

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THOMAS PEREZ, Secretary)
of Labor, United States)
Department of Labor,) Case Number:
Plaintiff,) 2:12-cv-01406
v.)
LANTERN LIGHT)
CORPORATION, d/b/a)
ADVANCED INFORMATION)
SYSTEMS, a corporation;)
DIRECTV LLC, a limited)
liability company; and)
RAMON MARTINEZ, an)
individual,)
Defendants.)

30(b)(6) DEPOSITION OF
STEVEN CRAWFORD
January 23, 2015

PURSUANT TO NOTICE, the deposition of STEVEN CRAWFORD, called for examination by the Plaintiff, was taken at 1244 Speer Boulevard, Second-Floor Conference Room, Denver, Colorado, commencing at the hour of 8:39 a.m., January 23, 2015, before Carla D. Capritta, Registered Professional Reporter and Notary Public in and for the State of Colorado.

JOB No. 150123CAC

A P P E A R A N C E S

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1 STEVEN CRAWFORD,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:

4 EXAMINATION

5 BY MR. LAKE:

6 Q. Good morning, Mr. Crawford.

7 A. Good morning.

8 Q. My name is Joseph Lake. I am an attorney with
9 the United States Department of Labor. I'll be taking
10 your deposition today. Have you had your deposition
11 taken before?

12 A. I have.

13 Q. Okay. Well, even though you've had your
14 deposition taken before, I'm just going to kind of go
15 over a few basics of the -- kind of the ground rules of
16 how we can make this go as smoothly as possible today.

17 I think the most -- well, the two most
18 important ones are, when you answer a question, be sure
19 to answer with a verbal response, not just nodding your
20 head or anything like that, because the court reporter
21 can't record a nodding or anything like that. So do you
22 understand that?

23 A. I do.

24 Q. Okay. And also, when we -- when I'm asking
25 you questions or when you're answering my questions, we

1 need to wait; and so you need to wait until I'm finished
2 asking the question, and I'll wait until you finish
3 responding to it before I ask another question. That
4 way the transcript, as well, doesn't have us talking
5 over each other, okay?

6 A. I understand.

7 Q. And so you've been sworn in. Your testimony
8 today is under oath. It's the same as if you were
9 testifying in a court. Do you understand that?

10 A. I do understand that.

11 Q. Okay. And if at any point during the
12 deposition, you don't understand any of the questions
13 I'm asking, the way I'm phrasing it, it's just vague or
14 anything like that, just, you know, let me know. I'll
15 rephrase. Because if you answer the question, then I'll
16 assume that you understood the question, okay?

17 A. Okay.

18 Q. Let's see. Also, when -- it's your
19 responsibility, when giving a deposition, to testify to
20 your personal knowledge, so to everything that you know.
21 So your attorney may object to certain questions that I
22 ask, but unless your attorney instructs you not to
23 answer, then you still have to answer the question and
24 provide all of the knowledge that you have.

25 A. Okay.

1 Q. Okay. But that being said, during the
2 deposition, you shouldn't guess as to an answer. But
3 that being said, an estimate is okay.

4 So an illustration, I guess, of what the
5 difference would be, would be -- about what a guess is,
6 versus an estimate, is, you could provide an estimate of
7 what the temperature was outside because you were
8 outside today here in Denver; but unless you follow the
9 weather really closely, you wouldn't know what the
10 weather is right now in Madrid, you would just be
11 guessing as to what that is.

12 So from that example, do you kind of
13 understand what I mean about a guess versus an estimate?

14 A. I think I do.

15 Q. Okay. So if you can provide an estimate to
16 any questions I ask, then you are required to give that
17 estimate.

18 A. Okay.

19 Q. Is there any -- any reason, anything that
20 would prevent you from giving full and complete and
21 truthful testimony today?

22 Not under the -- you know, not under the
23 influence of any prescriptions or anything or have any
24 kind of memory issues that might impair your abilities
25 today?

1 A. No.

2 Q. Okay, good. And in general, when we're
3 doing -- going through the deposition, if at any time
4 you need to take a break, you need to use the rest room,
5 want a glass of water or anything, just let me know. It
6 should generally be fine.

7 If I've asked a question, then you'll need to
8 answer the question before we can take the break. But
9 otherwise, you know, we can, you know, take breaks as
10 needed today.

11 A. Okay.

12 Q. All right. So what is your --

13 MR. KELLY: Counsel, before we commence, as we
14 talked briefly about, yesterday, Mr. Crawford has been
15 designated by DIRECTV as the PMK, with respect to the
16 categories, so he will be testifying in both capacities.
17 He doesn't have this ability to divide left from
18 right --

19 MR. LAKE: Right.

20 MR. KELLY: -- in response to all the
21 questions.

22 MR. LAKE: Okay. Well, we were going to get
23 to that in just a minute.

24 Oh, also, as we stated yesterday before the
25 deposition, we have just received a lot of documents

1 from DIRECTV, also a lot of e-mails. Those are -- the
2 production is ongoing. We reserve the right, if
3 necessary, to attempt to go back and continue this
4 deposition of Mr. Crawford on another day.

5 That's our position. You don't need to --

6 MR. KELLY: Do you want to state my objection
7 for me?

8 MR. LAKE: Well, you can go ahead and state
9 it, if you like. But I just want to -- you know,
10 putting that out there so that you and DIRECTV are aware
11 of our position, if necessary.

12 Q. (By Mr. Lake) So going back to my initial
13 question that I was going to ask, what's your current
14 position?

15 A. Vice president of field operations.

16 Q. Okay. For DIRECTV?

17 A. For DIRECTV.

18 Q. Okay. And what are your duties as the vice
19 president of field operations?

20 A. Simply said, to create a fantastic customer
21 experience and a fantastic employee experience at a
22 world-class level.

23 Q. And what are some of the responsibilities? I
24 guess, what are some of the tasks that you go through,
25 in your day, to accomplish those -- those duties?

1 A. So field services, field operations. Really,
2 optically, if you see a DIRECTV van, it is anything that
3 would be involved in a truck roll, as we call it, to and
4 from customers' homes; installs, upgrades, service
5 calls.

6 Q. Are you responsible for a given region of the
7 country?

8 A. I am.

9 Q. Okay.

10 A. Optically, the southern border of Colorado to
11 the Bay Area of California, and north to Montana, west
12 to Seattle, the northern border of Washington.

13 Q. And within that geographic region, are you
14 responsible for the Owned & Operated DIRECTV employees?

15 A. I am.

16 Q. The contractors of DIRECTV?

17 A. They fall under my purview.

18 Q. Okay. And HSPs?

19 A. No.

20 Q. Okay. Who at DIRECTV, I guess, is responsible
21 for HSPs, for oversight of that?

22 A. Chris Altamari.

23 Q. And how long have you been in your position of
24 the vice president of field operations?

25 A. Eight years, I believe.

1 Q. Prior to taking that position, were you with
2 DIRECTV?

3 A. I was.

4 Q. How long have you been with DIRECTV?

5 A. Fourteen years, coming -- coming up on
6 14 years.

7 Q. What was the first position that you had at
8 DIRECTV?

9 A. Director of field operations.

10 Q. How long were you in that position?

11 A. Roughly, two years.

12 Q. Were you responsible for a given geographic
13 area?

14 A. I had national scope at that time.

15 Q. What were your duties as the director of field
16 operations?

17 A. Same basic things; truck rolls, creating a
18 world-class customer experience, and --

19 Q. Okay. After the director of field operations,
20 what was your next position?

21 A. Senior director.

22 Q. Was that also -- did you have national
23 responsibility for that --

24 A. I did.

25 Q. -- position? Okay. How long were you in that

1 position?

2 A. Oh, about four years, I believe.

3 Q. So then your next position was where you
4 currently are, the vice president of field operations?

5 A. Correct.

6 Q. So are there other vice presidents of field
7 operations, who are in charge of other parts of the
8 country?

9 A. There are.

10 Q. And who do you report to?

11 A. Dave Baker.

12 Q. Who are -- what is the job title of the people
13 directly underneath you, that report to you as the vice
14 president?

15 A. Regional director of operations.

16 Q. How many regional directors of operations
17 report to you?

18 A. Four.

19 Q. Has it been four in the eight years that
20 you've had this position?

21 A. Yes. I need to back up and clarify that.
22 It's been six years that I've had four regional director
23 of operations.

24 Q. How many did you have before that?

25 A. We didn't. It was a different structure.

1 Q. Okay. Can you explain a little more about, I
2 guess, what the differences were?

3 A. I'll -- I'll work backwards. We bought -- we
4 got into the owned-and-operated business six years ago,
5 and that's when this structure began. Prior to those
6 six years, it was national responsibility.

7 Q. I understand.

8 A. It was that owned-and-operated model,
9 investment, that led to the regional directors.

10 Q. Who is the current regional director of
11 operations for the Washington area?

12 A. Current? Billy Maez, M-a-e-z.

13 Q. How long has Mr. Maez been in that position?

14 A. Two months.

15 Q. Prior to Mr. Maez, who was the regional
16 director?

17 A. Marc Mastin.

18 Q. How long was he in that position?

19 A. A year and a half.

20 Q. Prior to Mr. Mastin?

21 A. Chris King.

22 Q. And Mr. King was the regional director of
23 operations for how long?

24 A. Three and a half years.

25 Q. Prior to Mr. King?

1 A. That was the Owned & Operated line.

2 Q. So he was the first?

3 A. He was the first.

4 Q. Okay. Mr. Mastin, is he still with DIRECTV?

5 A. He is.

6 Q. What is his current position?

7 A. Regional director of operations from northern
8 California.

9 Q. Mr. Maez, was he with DIRECTV before becoming
10 the regional director?

11 A. He was.

12 Q. Do you know what his previous title was?

13 A. Site manager.

14 Q. For which area?

15 A. The Lynnwood office; Lynnwood, Washington.

16 Q. Was it the Lynnwood office of DIRECTV?

17 A. Yes.

18 Q. Did his responsibilities include the
19 contractors in the Lynnwood area?

20 A. Yes.

21 Q. Approximately how long was Mr. Maez a site
22 manager in the Lynnwood area?

23 A. Year and a half, estimate.

24 Q. What are a site manager's duties?

25 A. Really, the same as mine; a world-class

1 customer experience and to ensure our customers have a
2 fantastic experience consuming DIRECTV; to ensure a
3 world-class employee experience, I would say a W-2, and
4 to keep all employees safe. Every day.

5 And there are other responsibilities that fall
6 underneath that, like fleet, warehouse, training.

7 Q. The Lynnwood office of DIRECTV, approximately
8 how big of an area does that cover?

9 A. I wouldn't know the square miles, but I would
10 say from northern Seattle to the northern border of
11 Washington state, roughly east and west, border to
12 border.

13 Q. Which office would be in charge of the rest of
14 the Seattle metro area?

15 A. The Lacey Office.

16 Q. Is that L-a-c-e-y?

17 A. L-a-c-e-y.

18 Q. How many offices does DIRECTV have in the
19 state of Washington?

20 A. Five.

21 Q. Each one has its own site manager?

22 A. They do. Let me recant. There are -- there's
23 one office -- one site manager that manages two offices.
24 So there are four managers, five sites.

25 Q. Besides the Lacey and the Lynnwood office, do

1 any of the other five offices cover any part of the
2 Seattle metropolitan area?

3 A. Not that I know of.

4 Q. Who's the current site manager for the Lacey
5 office?

6 A. Dustin Dunlap.

7 Q. How long has Mr. Dunlap been the site manager?

8 A. I'm going to estimate, two years.

9 Q. Who was the site manager prior to Mr. Dunlap
10 for Lacey?

11 A. I believe it was Andy Yager.

12 Q. Do you recall approximately how long Mr. Yager
13 served as the site manager for Lacey?

14 A. Four years under DIRECTV ownership.

15 Q. Right.

16 A. He may have been there prior. I don't know.

17 Q. So Mr. Maez was the site manager of the
18 Lynnwood office for one and a half years. Prior to
19 Mr. Maez, who was the site manager for Lynnwood?

20 A. A lady -- oh, Marc Mastin.

21 Q. Do you recall how long Mr. Mastin served as
22 the site manager?

23 A. Couple of -- year and a half, couple of years,
24 estimate.

25 Q. And do you recall who the site manager was

1 prior to Mr. Mastin?

2 A. We had a short stay with a lady, and I'm going
3 to struggle with her name. I cannot recall the name
4 right now.

5 Q. She was only there for a short stay?

6 A. Less than a year, I think.

7 Q. I may have already asked this, but who's the
8 current site manager, then, for Lynnwood?

9 A. Billy Maez, M-a-e-z.

10 Q. He's also the regional director?

11 A. Oh, I'm sorry, current.

12 Q. Right.

13 A. Sorry. We've not filled that position yet.

14 Q. Do the site managers report directly to the
15 regional director of operations?

16 A. Yes.

17 Q. So there's no additional level of management
18 between the site managers and the regional directors?

19 A. No.

20 Q. Is there any management beneath site managers?

21 A. Yes. Supervisors; warehouse, supervisors; all
22 would be supes, I believe.

23 Q. So it's warehouse supervisors. What other
24 kind of supervisors?

25 A. Technician supervisors. In fact, the

1 warehouse person in Lynnwood may very well be a manager,
2 reporting to Billy, or, you know, to the site manager.

3 Q. All right. Do you know who the current
4 supervisors are in the Lynnwood office?

5 A. I could not tell you.

6 Q. All right.

7 A. You know, there is a new operations manager in
8 that site as well, I just remembered, that -- yeah,
9 operations manager.

10 Q. What is -- do you know their name?

11 A. Yes. His name is Johnny Collins.

12 Q. Is the operations manager a new position in
13 the Lynnwood office?

14 A. It is, less than a year.

15 Q. What -- what's your understanding of the
16 duties of the operations manager?

17 A. I would say a bit of an assistant manager.
18 It's a talent development role. And I believe that
19 Johnny is focused on more of the back office activities;
20 payroll, et cetera, warehouse.

21 Q. The technician supervisor, what are their
22 duties?

23 A. Ensure a great customer experience and an
24 employee experience, and the safety of all those W-2
25 employees on a daily basis. We want to get 'em home on

1 time and safely.

2 Q. Does their responsibilities include
3 technicians who work for contractors?

4 A. No. Not that I know of.

5 Q. Okay.

6 MR. LAKE: This will be the first exhibit
7 today. It's -- we'll just call it Exhibit 1, to start
8 over.

9 (Exhibit 1 marked.)

10 Q. (By Mr. Lake) Now, when I'm presenting
11 exhibits to you today, Mr. Crawford, in general you can
12 take as much time as you want to look over the exhibit
13 before I ask you questions; as much as you need, to get
14 familiar with the document.

15 There may be times where I'm only going to ask
16 a couple really broad questions and the document may be
17 really long, so you might not want to read through the
18 whole thing. But it's always your choice to read, to be
19 as prepared as you want.

20 A. Okay.

21 MR. LAKE: I appear to only have made two
22 copies. Do you mind if I use that one?

23 MR. KELLY: Be a better deposition if I keep
24 it.

25 MR. LAKE: You might have access to it in your

1 e-mail, from sending you a previous one. I would have
2 sent it in the end of December. You can share with
3 Mr. Crawford.

4 Q. (By Mr. Lake) Have you had a chance to review
5 Exhibit 1, Mr. Crawford?

6 A. I skimmed it.

7 Q. Well, Exhibit 1 is a notice of deposition of
8 one of the defendants in this case, DIRECTV. Now,
9 DIRECTV has designated you as the person most
10 knowledgeable to speak to the topics that are in this
11 deposition notice. So what I'm going to do is go
12 through the specific topics and ask you some questions
13 about them.

14 One of the other defendants in this case is
15 Lantern Light Corporation. It does business as Advanced
16 Information Systems. Are you aware of that company?

17 A. Only through this lawsuit.

18 Q. Okay. Are you aware of its predecessor
19 company, Lumin Incorporated, which was also known as
20 All Nations Communications?

21 A. I would not have known of them.

22 Q. Okay.

23 A. If it weren't for this.

24 Q. Well, during the deposition today, I'll ask
25 you several questions that involve the company Lantern

1 Light, which I'll call AIS, for short. Those questions
2 will also -- are intended to cover the predecessor
3 company, Lumin, as well.

4 If, for some reason, I need -- there's a need
5 for your answers to separate the two, please -- please
6 do so. But otherwise, do you understand, when I'm --
7 when I say "AIS," what I'm referring to?

8 A. I understand.

9 Q. Okay. So if you could turn to Page 2, the
10 first topic is "Compensation." Do you believe that you
11 are the person most knowledgeable at DIRECTV to discuss
12 the -- to describe the compensation paid by DIRECTV to
13 AIS?

14 A. I -- I understand the process. I do -- I'm
15 not involved in the process.

16 Q. Okay. Can you explain a little more what you
17 mean by that?

18 A. Well, there's a compensation. I don't -- I
19 don't do any reconciliation of work orders complete
20 against the rate card or any calculations or the cutting
21 of any checks.

22 Q. Okay.

23 A. That's handled by another group.

24 Q. And which group handles that?

25 A. I'm not sure of their title. I would just --

1 let me just think of a working title. You know, it's an
2 accounting function.

3 Q. Okay. But the methodology used by DIRECTV to
4 calculate the amounts paid to AIS?

5 A. I have a -- a decent understanding of that.

6 Q. And the frequency, how often DIRECTV pays AIS?

7 A. Yes.

8 Q. And whether the amounts paid to AIS by DIRECTV
9 varied in given year?

10 A. Yes.

11 Q. Okay. So let's talk a little bit about those,
12 those topics, before we -- before I move on. So what is
13 the methodology that DIRECTV uses to calculate how much
14 to pay AIS for services performed by AIS?

15 A. High level. There's a rate card for each type
16 of work performed. The contractor, AIS, would be --
17 each of those rate cards are paid out based on the
18 closed work order line items. It's a fairly simple:
19 You close this work order, I pay this much, equals that
20 much.

21 Q. Okay. What is the process that goes into
22 determining how much to pay a contractor, in this case
23 AIS, for a service?

24 A. Are you referring to the rate card?

25 Q. Right. So you have a number on the rate card.

1 How does DIRECTV decide what that number's going to be?

2 A. I would say there's more history to that. I
3 would be guessing at this point, but I guess there's no
4 real negotiations. There's -- you know, there's more of
5 a history based rate card.

6 Q. And what do you mean by "a history based rate
7 card"?

8 A. I've never -- let's see. I don't know that
9 there's an -- a fine algorithm to determine a rate card
10 for an individual contractor, as much as, when we work
11 with a company, here's what we're willing to pay. And
12 if they do the process, if they agree to it, they sign
13 the contract, then we move on.

14 Q. You also said that there's -- there's not a
15 negotiation to it. DIRECTV offers a rate and the
16 contractor either chooses to accept it or not?

17 A. I think that's accurate.

18 Q. Does DIRECTV conduct any periodic reviews of
19 the rate card to determine whether the amounts are
20 appropriate or whether they need to be changed?

21 A. A review would be overstated.

22 Q. And can you describe a little more what you
23 mean by a review would be overstating? So what is done,
24 I guess, you know, to keep track or decide whether what
25 we're paying is appropriate? Is there anything that's

1 done by DIRECTV?

2 A. Reactive. So if AIS in this case doesn't say
3 anything, then we're assuming they're running their
4 business just fine and their margins are good and I've
5 got a stable operator. If they don't, they would come
6 to me and say or go to the regional director or the site
7 manager and say, "I think I need to make more money
8 here."

9 Q. Can you think of any instances where AIS did
10 do that?

11 A. I do not recall.

12 Q. From your experience at DIRECTV, have you
13 had -- has that happened, where a -- where you're aware
14 of a contractor coming to DIRECTV and asking to be paid
15 more?

16 A. Sure.

17 Q. Okay. Does it happen fairly frequently?

18 A. No. No, it's infrequent.

19 Q. Okay. Are you aware of any instance where a
20 contractor approached DIRECTV, asking to be paid more,
21 and DIRECTV agreed?

22 A. You know, off the top of my head, no. I
23 couldn't give you any specifics. But I wouldn't say it
24 didn't happen.

25 Q. Okay. When DIRECTV decides how much to pay

1 for an installation, for example, what sort of analysis
2 is done by DIRECTV to come to that number, I guess? Is
3 there any consideration of how long a job may take or
4 the area of the country that we're in or changes in fuel
5 costs? Is there any -- is that -- you know, is it that
6 kind of analysis that goes into it?

7 A. Are we -- just so I'm sure that I'm absolutely
8 clear, are we talking about W-2 or are we talking about
9 our contract labor?

10 Q. I guess, if there's a difference, then I
11 would -- then my question would be to -- about the
12 contractors, but then to explain the difference between
13 the contractors and the W-2s.

14 A. Okay. So we'll start with the contractors.
15 I'm sure, somewhere, the original rate cards -- I was
16 not part of those -- were established upon some
17 duration, work/job duration. I'm sure of that. But I
18 was not a part of those calculations.

19 And I -- I think that's about it. I think the
20 next piece is the historic part of are you willing to do
21 the job for this amount of money. Most of that, I'm
22 sure, is driven by, if they can make more money for
23 another company, they would most likely say no to me.

24 Q. And what about with determining the rates paid
25 to W-2 employees?

1 A. You know, we look at those -- we review those
2 fairly routinely.

3 Q. And what goes into that review? What kind of
4 factors are you looking at to decide whether the rates
5 need to be changed?

6 A. Factors like cost of labor in a general market
7 for the type of work we do.

8 Q. Okay. But you're not aware of those kind of
9 considerations going into the amounts paid to the
10 contractors?

11 A. No, not really.

12 Q. How often does DIRECTV pay its contractors?

13 A. Weekly, I believe.

14 Q. And just to clarify, when I'm talking about
15 contractors, I'm talking about the contractors
16 performing installations. I don't -- DIRECTV may have
17 other contractors, who do all kinds of other work. But
18 do you understand what I mean when I'm saying
19 "contractor"?

20 A. I do.

21 Q. Okay. The amount that DIRECTV pays to AIS,
22 does that vary throughout the year?

23 A. I'm sure it does.

24 Q. Okay. And what are some of the reasons that
25 it varies?

1 A. A few factors, the number of employees the
2 contractor would have. Let me back up, more
3 foundational. The rate card would stay the same.

4 Q. Right.

5 A. So if you had more or less employees, that
6 volume would, of course, fluctuate. The volume of
7 customer demand, the amount of work that comes in to us,
8 would drive that pay variability.

9 And, let's see, I think those really are the
10 two -- well, and then, I would say, their productivity.
11 And as an example, weather would impact an
12 organization's productivity.

13 Q. Right, how much they can get done.

14 A. Correct.

15 Q. In the Seattle area, does DIRECTV have
16 contractors besides AIS?

17 A. Not that I know of.

18 Q. Is that -- is that common, where, in a -- in
19 a -- in a large metropolitan area, DIRECTV will only
20 have one contractor?

21 A. It's not uncommon.

22 Q. Okay.

23 A. But it varies.

24 Q. The rate card that DIRECTV uses with AIS, are
25 you aware if that's changed at all or when the last time

1 that changed?

2 MR. KELLY: The rates between DTV and what?

3 MR. LAKE: AIS.

4 MR. KELLY: During the period between 2009 and
5 currently?

6 Q. (By Mr. Lake) So my question was just about
7 when it last changed.

8 MR. KELLY: We have several entities. I just
9 want to make sure that the witness understands what
10 we're talking about.

11 MR. LAKE: Right.

12 MR. KELLY: So during the period through 2009
13 and current, do you know if the rates changed, for any
14 reason?

15 A. I do not recall.

16 Q. (By Mr. Lake) Okay. I'll have you take a
17 look at --

18 MR. LAKE: This will be Exhibit 2.

19 (Exhibit 2 marked.)

20 Q. (By Mr. Lake) And I'll give you this one,
21 Mr. Crawford.

22 A. Okay.

23 Q. Give you the official one.

24 A. Um-hmm.

25 MR. LAKE: And this will be Exhibit 3.

1 (Exhibit 3 marked.)

2 MR. KELLY: Exhibit 2 is 183, correct?

3 MR. LAKE: Exhibit 2 is DOL 183. Exhibit 3 is
4 DOL 1530.

5 Q. (By Mr. Lake) Have you had a chance to look
6 over Exhibit 2 and Exhibit 3 yet? Please take your
7 time.

8 A. Yeah, I've looked -- looked at them.

9 Q. All right. Exhibit 2 is a rate card effective
10 July 4th, 2009. Under the "Contractor," towards the
11 bottom, is "Lumin Incorporated," where its chief
12 executive officer, Michael Lair, signed. Do you see
13 that?

14 A. I do.

15 Q. Okay. And to the right, under the DIRECTV
16 signature box is "Ed." I'm not going to try to guess
17 what his last name is, but he's the VP of finance.

18 A. Balcerzak.

19 Q. Okay.

20 A. Yes.

21 Q. So you recognize that name?

22 A. I do.

23 Q. Okay. And then Exhibit 3 is a document that
24 was provided to us by AIS. Is Exhibit 3 a document that
25 looks familiar to you?

1 A. Actually, that one does not look familiar,
2 but . . .

3 Q. Okay. On Exhibit 2, next to the words "Rate
4 Card," towards the top, it says "Tier 10." Do you see
5 that?

6 A. I do.

7 Q. Do you know what that means?

8 A. That's the rate card nomenclature that's
9 represented in the line items there.

10 Q. So what are the -- what do the different tiers
11 represent?

12 A. Different compensation structures.

13 Q. Okay. So is Tier 10 a compensation structure
14 that was based on where AIS was located, as far as
15 geographically, or do you know what the --

16 MR. KELLY: Misstates the -- we're talking
17 about Lumin at this point.

18 Q. (By Mr. Lake) Excuse me, Lumin. I guess what
19 I'm trying to get at is, where did -- why was -- why was
20 Lumin, at that time, later AIS, designated Tier 10?

21 A. I would not know.

22 Q. Okay. Do you know how many tiers there were
23 in July 2009?

24 A. I do not.

25 Q. Okay. Looking over at Exhibit 3, towards the

1 top, on the right, it says "Tier N", dash, "2." Do you
2 see that?

3 A. I do.

4 Q. Do you know what that represents?

5 A. I do not.

6 Q. Okay. Do you know currently how much DIRECTV
7 pays AIS for an install?

8 A. I do not.

9 Q. Okay. So you don't know if either Exhibit 2
10 or Exhibit 3 is correct as far as what AIS is currently
11 paid for an install?

12 A. I do not.

13 Q. Okay. Or an upgrade?

14 A. I do not.

15 Q. Or any of the other line items?

16 A. I do not.

17 Q. Okay. We can set aside Exhibits 2 and -- oh,
18 let me ask one more question. So Exhibit 2 reflects a
19 rate card that went into effect in July of 2009. Do you
20 know if the rate card for AIS has changed since then?

21 A. I do not recall.

22 Q. Okay. Or when Lumin became AIS, do you know
23 if the rate card changed?

24 A. I do not know.

25 Q. Okay. Actually, I'll ask you some specific

1 questions about the line items, not the amounts but what
2 the line items represent. Turn -- and it looks like
3 this is on both Exhibit 2 and 3, but there's a line item
4 that says "ODU upgrade" and another that says "ODU
5 relocate."

6 What does "ODU" mean?

7 A. "Outdoor unit," refers to the dish.

8 Q. Okay. On Exhibit 3, a little bit lower, is a
9 line item that says "Broadband Deca." Do you see that?

10 A. Yes.

11 Q. What is "Deca"?

12 A. It's a technical term that I couldn't answer,
13 an engineering term. But in the layman's terms, it
14 allows our IRD, our box, to interface with the internet.

15 Q. An IRD?

16 A. Is the -- the box that the consumer changes
17 channels with, not the remote.

18 Q. On Exhibit 3, as well, there's a line item for
19 "Protection Plan." What is a protection plan?

20 A. It is an insurance plan that is offered to the
21 customer, for any failure of wiring, any active or
22 passive electronics or consumables, that allows the
23 customers to have a free service call, if a service call
24 is necessary.

25 Q. Otherwise, the customers pay for service

1 calls, if they don't have the protection plan?

2 A. Correct.

3 Q. The next line item on Exhibit 3, the "WIFI BB
4 Deca Labor," I think I know what "WIFI" means. But what
5 is "BB"?

6 A. "Broadband," same as the "Deca" above.

7 Q. So can you just kind of generally explain what
8 that line item means?

9 A. So the -- yeah, it is the new technology for
10 the Broadband DECA. It's just the wireless application.

11 Q. Okay. So this represents a -- either an
12 installation technician setting up a WiFi connection
13 between the box and the Internet?

14 A. And the customer's wireless modem.

15 Q. Okay, gotcha. And toward the top on
16 Exhibit 3, there's a line item that's "Ka," slash, "Ku
17 labor." What does "Ka," slash, "Ku" mean?

18 A. So I'm not an engineer, so it's really an
19 engineering vernacular. But it's a technology, it's a
20 wavelength technology, depicting how wide or narrow the
21 wavelengths are that we are working with. Very layman.

22 Q. Okay. It needs to be, for me to understand
23 it. So what does it mean for an installation technician
24 to be paid for "Ka, slash, "Ku labor"? What are they
25 doing to earn that money?

1 A. Installing a dish.

2 Q. Okay.

3 A. So Ka/Ku is a particular type of dish.

4 Q. Okay. So there's different kinds of dishes
5 that a technician may install?

6 A. Correct.

7 Q. And who makes the decision about which kind to
8 install? Is it the technician, based on what he
9 evaluates at the customer's?

10 A. Sometimes. It's -- mostly it's a decision
11 matrix. When the salesperson says they want high def
12 and they enter a high def line item, it tells the system
13 that it's a Ka/Ku dish.

14 Q. Okay. So a Ka/Ku dish is what's necessary for
15 high definition?

16 A. Correct.

17 Q. Then the next line item says "Ka," slash,
18 "Ku," and then it also says "SWM labor." What does
19 "SWM" stand for?

20 A. "Single wire, multiswitch."

21 Q. Okay.

22 A. Amazing for a nontechnical guy.

23 Q. So what does it mean for a technician to be
24 paid for Ka/Ku SWM labor? What are they doing?

25 A. So it's a -- they're installing a multiswitch,

1 an active piece of electronics that only requires one
2 line to a DVR; otherwise, the DVR would require two
3 lines.

4 Q. Makes sense. Okay. You can set aside
5 Exhibit 2 and Exhibit 3 for now.

6 MR. LAKE: This will be Exhibit 4.

7 (Exhibit 4 marked.)

8 Q. (By Mr. Lake) Fortunately, Exhibit 4 is a
9 very wide spreadsheet, so it's printed out over many
10 pages.

11 MR. KELLY: Can you explain what the document
12 originally looked like? Am I putting 3407 to the right
13 of 3406, and so on, so we --

14 MR. LAKE: Right, exactly.

15 MR. KELLY: Okay. That's how you might have
16 seen it, if you've seen it before, Steven.

17 MR. LAKE: Right.

18 A. Let me try that. (Deponent examined exhibit.)

19 Q. (By Mr. Lake) Okay. So Exhibit 4 is --
20 appears to be a report evaluating a technician on
21 various metrics. Have you seen a report like this
22 before?

23 MR. KELLY: Object to the preface as
24 argumentative. You can answer if you've seen the report
25 before.

1 A. Not this one.

2 Q. (By Mr. Lake) Right. But have you seen
3 reports that detail the performance of an installer, on
4 various metrics that DIRECTV uses to evaluate
5 installers?

6 A. I've seen similar. And I wouldn't say
7 technician. I really see higher-level reporting than
8 that.

9 Q. Okay. So my questions are actually going to
10 be just about explaining some of the columns on here,
11 just because these are, you know, terminology that I'm
12 unfamiliar with. A few of these, I think, I've learned
13 to understand over the course of this litigation.

14 But so we're looking at the first column, New
15 Install Past Open. Do you know what that means?

16 A. Yes.

17 Q. Okay. What does that mean?

18 A. For a variety of reasons, it's a job that was
19 scheduled but neither completed nor canceled.

20 Q. Okay.

21 A. Nor rescheduled. So it's still sitting in
22 the -- maybe the vernacular "past opened."

23 Q. Okay. What about the next column, Former
24 Install Past Open?

25 A. Same definition, different work order type.

1 Q. Okay. What -- what do you mean by a
2 "different work order type"?

3 A. A former install is relative to the customer,
4 so they once were a customer, left for some reason, and
5 have decided to come back.

6 Q. Oh.

7 A. Former.

8 Q. Oh, okay. So that's the difference between
9 new and former?

10 A. Correct.

11 Q. Okay. Service Past Open and Upgrade Past
12 Open, do those mean either a service or an upgrade that
13 is -- was neither completed nor canceled?

14 A. Correct, or rescheduled.

15 Q. Or rescheduled, okay.

16 A. Could be a variety of reasons for that.

17 Q. Right. I guess, in general, what -- what are
18 some of the more common reasons, that you see or that
19 you know of, for why something falls in -- into a past
20 open category?

21 A. The technician didn't status a work order
22 right; there is a -- they tried -- that there's an
23 inventory irregularity; that they said they did
24 something at the home that the equipment didn't
25 reconcile with; as a couple of examples.

1 Q. Okay. So the next column -- or we'll skip
2 Past Open. The next column is, Tech Former Install
3 Completion Rate. Does the term "Tech" refer to the
4 specific technician?

5 A. Correct, in this case it does.

6 Q. Then if we skip over a few columns, we have,
7 Office Former Install Completion Rate. So is that meant
8 to cover the entire office's former install completion
9 rate?

10 A. You know, I don't know that I've seen that.

11 Q. Okay.

12 A. Vernacular.

13 Q. Okay. So SIN7 means -- well, I'll probably
14 get it wrong, but towards the end of the second page,
15 there's a column that says "SIN7 Rate." What does SIN7
16 mean?

17 A. "Service within." It denotes a repeat service
18 call, that had to go back to the customer's home
19 within -- prior to seven days, seven days or less, from
20 our original trip.

21 Q. So then the next three columns, "30," "60,"
22 "90," are either 30, 60, or 90 days there had to be a
23 return service call?

24 A. Correct.

25 Q. Then the next column, New Install OTG Rate, is

1 "OTG," "on-time guarantee"?

2 A. It is.

3 Q. So what does that statistic mean, a new
4 install OTG rate?

5 A. The number of times -- these are percentages,
6 so the percentage of time that the -- the -- the
7 technician or the company failed to arrive at the
8 customer's premise within the agreed-upon time frame.
9 Or maybe I should say the expected time frame, is a more
10 accurate term.

11 Q. Okay. So does zero percent mean that they --
12 they did not fail to arrive in a given time frame?

13 A. I believe that's correct.

14 Q. So they did or -- to say it better, that
15 means that if it says zero on here, that means, a
16 hundred percent of the time in that month to date, the
17 technician arrived on time for a new install?

18 A. That is correct.

19 Q. Okay.

20 A. There is another caveat to this, I think, is
21 an important one. At this time period, in '012, it also
22 required a customer complaint. So it wasn't -- so if
23 the customer didn't -- it's possible that they showed up
24 outside the customer expectation; but if the customer
25 didn't call to complain, we did not count it as an

1 on-time guarantee issue.

2 Q. Okay. That makes sense. On the third page,
3 going to the columns on the right, is an abbreviation,
4 "DPP." What does that mean?

5 A. I think it's the DIRECTV protection plan
6 sales.

7 Q. Okay. So the category New Install DPP Rate
8 MTD, does that represent the percentage of times or the
9 rate by which this technician, in this month to date,
10 sold a DIRECTV protection plan to a new install?

11 A. I believe that's correct.

12 Q. Okay. The, going to Page 4, DECA Rate, does
13 that refer to the DECA terminology that you described
14 earlier, the --

15 A. I believe it does.

16 Q. Okay. And do you know what Non DECA Rate
17 means, the next column?

18 A. No. I do not.

19 Q. And the next column, POS Rate, do you know
20 what "POS" stands for?

21 A. Not in this particular case.

22 Q. Okay. Staying on Page 4, the Tech Connect
23 Rate, do you know what that means?

24 A. No. I would be guessing.

25 Q. Okay. What about the Tech Take Rate?

1 A. I would be guessing.

2 Q. Okay. And then the next four columns all have
3 the term "SOS" in the front. What is an SOS?

4 A. "Service on service," meaning repeat trips on
5 a previous service call.

6 Q. Okay. So there was already a service call,
7 and there still had to be another -- at least one other
8 service call?

9 A. Correct.

10 Q. Okay. And then the "7," "30," "60," "90,"
11 again relates to the duration of time?

12 A. Correct.

13 Q. Okay. We'll skip over the next couple pages
14 and go to Page 7, which is marked DOL 3412 --

15 A. Okay.

16 Q. -- at the bottom. Do you see that one?

17 A. I do.

18 Q. And there is a column, New Install DP -- DPP
19 Elig MTV. What does "Elig" mean?

20 MR. KELLY: One second, please. Page 3412, I
21 see it. Thank you.

22 A. "Eligible."

23 Q. (By Mr. Lake) So does this represent the
24 amount of months the new installs, how many were
25 eligible for a protection plan?

1 A. Correct.

2 Q. And the next column represents how many were
3 sold?

4 A. Correct.

5 Q. If we can go to the next page, the last one in
6 the exhibit, there is -- the second column is SOS7
7 Created Rolling 7. Do you see that?

8 A. I do.

9 Q. What does "Created Rolling 7" mean?

10 A. I -- I could not tell you what -- I couldn't
11 define that for you.

12 Q. Okay.

13 A. It --

14 Q. Do you know what "Rolling" means? That's
15 in --

16 A. The "Rolling" --

17 Q. -- the next several columns. Sorry.

18 A. The "Rolling" is designed to be
19 forward-looking, I believe; a forward-looking look at
20 that; but I couldn't tell you the calculation.

21 Q. Okay. And then the last three columns have
22 "SOUI30," "60" and "90." Do you know what "SOUI" means?

23 A. I believe, "service on upgrade and install."

24 Q. Okay. Do you know how that is different than
25 either the -- the "SIN7," "30," "60," "90"?

1 A. I -- I could not define the definition of the
2 math.

3 Q. Okay. But what is the difference between SIN
4 and SOUI, if you know?

5 A. Similar, similar.

6 Q. Okay. You can set aside Exhibit 4 for now.

7 MR. KELLY: Can we go off the record for one
8 second, please?

9 (Discussion held off the record.)

10 MR. LAKE: This will be Exhibit 5.

11 (Exhibit 5 marked.)

12 Q. (By Mr. Lake) This document is an e-mail with
13 a subject, "Non-DECA Report." I believe, when we were
14 going over Exhibit 4, you were saying you're not aware
15 of what the non-DECA statistics means, or the metric.

16 A. Correct.

17 Q. Okay. So the -- the last column in this
18 report, number of non-DECA callbacks, you don't know
19 what that means?

20 A. I now understand it.

21 Q. Okay.

22 A. This is not my report.

23 Q. Okay.

24 A. I've never seen this report. But it is the --
25 it appears to be the occurrences of the -- the

1 occurrences in which we did not connect the box, the
2 IRD, to the Internet, with one caveat: Sometimes
3 there's already a Broadband DECA on that home, it's
4 already connected, and the work order called for that.

5 Q. Okay.

6 A. It would appear like they -- you know, like
7 they didn't connect it; but the truth is, in some
8 occurrences, it really is already connected.

9 Q. Okay. And I would assume, in some
10 occurrences, the customer might not have the Internet.

11 A. Correct. With a non-DECA, number of
12 non-DECAS, yeah, correct.

13 Q. So some of the entries in that category
14 refer to phones as well. The second -- the first one
15 says "Cell Only." The second one says "No Phone or
16 Internet."

17 Does having a phone matter at all, for any of
18 DIRECTV's purposes?

19 A. Yes. It used to, more than today. But I can
20 get a return path either through the Internet or through
21 a telephone wire.

22 Q. And what do you mean by "a return path"?

23 A. Okay. Now it's sort of technical.

24 Q. Um-hmm.

25 A. I'll -- I'll try to do the layman's thing.

1 Our -- our ability to talk to the Internet, for that box
2 to talk to the Internet, is a forward and reverse
3 technology. I say, "I want to watch a movie," it goes
4 to the Internet. It says, "Do you have the movie?" The
5 Internet says, "Yes, I do," and the transaction happens.

6 Q. Okay.

7 A. So that's the reverse path. So a phone line
8 can do that as well, just not at the same bit rate.

9 Q. Okay. So a return path is essentially whether
10 the IRD is able to communicate to -- either through a
11 phone or an Internet, to, I guess, wherever.

12 A. Let's just say DIRECTV.

13 Q. To DIRECTV.

14 A. (Nodded head.)

15 Q. Okay.

16 A. Or the Internet, yeah.

17 Q. So when it says "Callbacks" in that column, is
18 that because, if DIRECTV does not get a return path, it
19 calls the customer to find out why?

20 A. No. There is an -- an -- an algorithm that
21 tells the machine to call back upon installation.

22 Q. Okay.

23 A. If it does and we receive that -- let's look
24 at the report. If it calls back and nothing happens,
25 it's a zero; it wasn't connected.

1 Q. Okay.

2 A. Or at least didn't connect.

3 Q. Okay. You can set aside Exhibit 5. I have
4 several of these reports where I'm just trying to learn
5 the terminology, so we have a few more to go through.

6 A. I'll do my best.

7 Q. Thank you.

8 MR. LAKE: This will be Exhibit 6.

9 (Exhibit 6 marked.)

10 Q. (By Mr. Lake) At the top of Exhibit 6 is a
11 "BBDECA CALLBACK." Do you know what that metric means?

12 A. "Broadband DECA callback."

13 Q. So how many -- or, I guess, in that month to
14 date, how often the box was communicating over
15 broadband?

16 A. Correct.

17 Q. Do you know why there is a column called
18 "Missed 94 [percent] By"?

19 A. I've never seen this report.

20 Q. Okay. Does DIRECTV have any -- any bar by
21 which -- or, I guess, a rate which they want a tech to
22 have BBDECA callbacks, meaning how often it happens?

23 A. Yeah.

24 Q. Is 94 percent a goal that DIRECTV has?

25 A. It must be. That must be what that's about.

1 Q. But you're not --

2 A. Speculating. I'm not -- I don't recall.

3 Q. Okay. Are you aware if there are current
4 goals for --

5 A. There are.

6 Q. -- BBDECA callbacks?

7 A. There are.

8 Q. Okay. Do you know what the current goal is?

9 A. I do not.

10 Q. Okay. Are those -- if DIRECTV has a goal for
11 a certain metric, is that relayed to a contractor?

12 A. Should be.

13 Q. Okay.

14 MR. LAKE: This will be Exhibit 7.

15 (Exhibit 7 marked.)

16 Q. (By Mr. Lake) Exhibit 7, the subject is -- is
17 an e-mail, the subject of which is "Month to Date
18 Non-CCK Return Report." Do you see that?

19 A. Yes.

20 Q. Okay. Do you know what the metric "non-CCK"
21 means?

22 A. I believe it's the phone line.

23 Q. Okay.

24 A. I think.

25 Q. Do you know what "CCK" stands for in general?

1 A. "Cinema connection kit."

2 Q. And what's a -- is the cinema connection kit?
3 Is that the ability to connect, to download, I guess,
4 movies on demand or something like that?

5 A. Correct.

6 Q. Okay. So a non-CCK return report would be the
7 amount of times that DIRECTV did not get a return
8 connection for a CCK for a customer?

9 A. I'm -- I'm not sure that's accurate.

10 Q. Okay.

11 A. I -- I've never seen this report.

12 Q. Okay. One of the columns says "Overall
13 Influence." Are you aware of any metric, that DIRECTV
14 has, called "Overall Influence"?

15 A. No.

16 Q. All right. And IRD, again, that refers to the
17 box or that's the terminology that DIRECTV uses to
18 describe the box that a customer purchases?

19 A. Correct.

20 Q. All right.

21 A. Leases.

22 Q. I was going to say, I don't actually know if
23 they purchase or lease, but the box.

24 A. Correct.

25 MR. LAKE: Okay. We'll mark this e-mail as

1 Exhibit 8.

2 (Exhibit 8 marked.)

3 Q. (By Mr. Lake) This is an e-mail titled "Month
4 to Date DPP Report." "DPP," again, is the protection
5 plan?

6 A. Correct.

7 Q. Okay. Looking at the chart on Exhibit 8,
8 there's a column called "PPP." Do you know what "PPP"
9 stands for?

10 A. "Premier protection plan."

11 Q. Okay. The next column says "PPP [plus] AHD."
12 Do you know what "AHD" stands for?

13 A. I do not know the acronym. But it's an
14 additional service to the premier. I think it's -- I
15 think it's additional coverages; for example, broken
16 glass on a TV.

17 Q. Okay.

18 A. That would not be covered in another plan.

19 Q. Okay.

20 A. I think.

21 MR. LAKE: I think this is the last one,
22 Exhibit 9.

23 (Exhibit 9 marked.)

24 MR. LAKE: Thank you.

25 Q. (By Mr. Lake) Exhibit 9 is an e-mail titled

1 "Month to Date Breakage Report." Are you aware of the
2 term "breakage"?

3 A. Not in this case.

4 Q. Okay. Are you aware of it as a term that
5 DIRECTV uses in general?

6 A. No.

7 Q. Okay. Okay. You can set that one aside. If
8 you want to -- if you could turn back to, I think this
9 was, Exhibit 1, the deposition notice. If you could
10 turn to Page 3, there's a Subpart D that is titled
11 "Description of role DIRECTV had in determining
12 compensation paid by AIS for AIS installers who
13 installed equipment for DIRECTV customers."

14 You've been designated by DIRECTV as the
15 person most knowledgeable on this topic. Does DIRECTV
16 have any role in determining -- that you're aware of, in
17 determining the compensation for installers?

18 A. Zero.

19 Q. Okay. Does DIRECTV give incentives to
20 contractors to complete certain services?

21 A. I want to be clear: To the principal, to the
22 corporation that we sign the contract with.

23 Q. Right.

24 A. But not --

25 Q. By "contractor," I mean, AIS.

1 A. Correct.

2 Q. Okay.

3 A. On occasion.

4 Q. Okay. What are some of the incentives, that
5 you're aware of, that DIRECTV has for contractors like
6 AIS?

7 A. You know, today I'm not quite sure what the
8 incentives are.

9 Q. Okay.

10 A. Just performance incentives. In the past,
11 when volumes were high and we were backlogged, customers
12 were waiting too long, we might give incentives for more
13 work completed.

14 Q. Okay. Some of the metrics that we have gone
15 over in the previous exhibits, like SIN7 or SOS7, does
16 DIRECTV give any incentives for contractors to have
17 lower scores on those metrics?

18 A. I don't recall.

19 Q. Okay. Does DIRECTV have any chargebacks where
20 they, a contractor, is charged a certain fee for repeat
21 service calls?

22 A. I -- I don't think we do today.

23 Q. Okay. And --

24 A. You know --

25 Q. Go ahead.

1 A. It's changed over the years, so when I say I
2 don't think I -- today -- there's been 14 years of
3 experience here --

4 Q. Right.

5 A. -- where things tweak a bit. But I do not
6 think, today, we -- we charge -- I can think of one
7 chargeback.

8 Q. Okay. What's that?

9 A. Lost equipment or unaccounted-for equipment.

10 Q. Okay.

11 A. That would be for the company.

12 Q. There were other chargebacks previously?

13 A. I believe there were.

14 Q. Okay. Do you know when those chargebacks --
15 or what some of those were, first off?

16 A. So I really don't, but we talked about on-time
17 guarantee in the past. That would be one in the past.
18 There is a -- I think, a damage claim.

19 MR. KELLY: Customer's damage claim?

20 A. Correct. So if they caused a problem in a
21 customer's home, with damage, we would deal with the
22 customer, and the contractor company would be charged
23 back for that.

24 Q. (By Mr. Lake) Okay.

25 MR. LAKE: This will be Exhibit 10.

1 (Exhibit 10 marked.)

2 MR. LAKE: Let's do another one at the same
3 time. This will be Exhibit 11.

4 (Exhibit 11 marked.)

5 Q. (By Mr. Lake) Have you seen Exhibit 10
6 before?

7 A. Not that I recall.

8 Q. Okay. Exhibit 10 is -- starts with the date,
9 March 5th, 2012. It's addressed to a contracting
10 partner. Is "contracting partner" a term that DIRECTV
11 would use to describe companies like AIS?

12 A. Yes.

13 Q. Okay. The letter speaks to a incentive for a
14 certain -- achieving a certain score on a post-call
15 index. Do you know what the post-call index is?

16 A. Yes.

17 Q. And what's that?

18 A. We attempt to call every job done -- install,
19 upgrade, install former -- and ask a series of -- the
20 number of questions changes, but to get the customer's
21 opinion on the service delivered.

22 Q. Okay. Looking at the box in the middle of
23 Exhibit 10, the score of 96 leads to a \$6 paid WO. Does
24 that -- does "WO" mean "work order"?

25 A. It does.

1 Q. Okay. So does this mean, if a contractor
2 scores greater than a 96, they'll receive -- over a
3 given time period, they'll receive an incentive of \$6
4 per work order during that time period?

5 A. Looks like that, yes.

6 Q. Okay. Is the post-call index on a scale of
7 where a hundred is the best score?

8 A. Correct.

9 Q. Okay. Before seeing Exhibit 10, were you
10 aware that DIRECTV offered an incentive to contractors
11 to achieve a certain score on the post-call index?

12 A. Now that I see this, I remember. But --

13 Q. Okay.

14 A. -- I wouldn't have recalled.

15 Q. Okay. Are you aware if this program is still
16 in effect?

17 A. I would be guessing.

18 Q. Okay. And again, as I went over in the
19 beginning, if you don't know, that's a perfectly
20 acceptable answer.

21 Then turning to Exhibit 11, it appears to be
22 an ad about -- or not an ad, but a flyer from DIRECTV on
23 post calls. Have you seen Exhibit 11 before?

24 A. I have not.

25 Q. Okay. The box in the middle of Exhibit 11

1 says, "I'm Working For A 10" in large font. Do you see
2 that?

3 A. I do.

4 Q. So then below, it lists, and in another box it
5 lists, various metrics like "Professionalism," "Quality
6 of Work" "Fully Educate," and indicates the score on
7 those. Are those metrics -- or, excuse me, questions
8 that are part of the post-call survey?

9 MR. KELLY: So can you just rephrase, from the
10 start?

11 MR. LAKE: Okay.

12 MR. KELLY: I know what you're doing, but it's
13 not going to come across on the record.

14 Q. (By Mr. Lake) Is "Professionalism" a rating
15 that is done by DIRECTV, of -- of its technicians on a
16 given job?

17 A. That is -- would be the customer's opinion.

18 Q. So it's a question that's asked on the
19 post-call survey?

20 A. It is.

21 Q. Okay. And is the score a one-to-ten?

22 A. It is.

23 Q. Okay. "Quality of Work," is that another
24 question on the post-call survey?

25 A. It is.

1 Q. And "Fully Educate?"

2 A. It is.

3 Q. Does that mean, Did the installation
4 technician fully educate the customer on how to work its
5 DIRECTV equipment?

6 A. From the customer's point of view, yeah.

7 Q. "Showed ID Badge," is that another question
8 that's asked --

9 A. It is.

10 Q. -- of the customers?

11 A. It is.

12 Q. Okay. Then the next three, "Fully Resolve
13 Issue," "Arrived in Timeframe," "Working Properly," are
14 those all questions that are part of the post-call
15 survey?

16 A. They are.

17 Q. Does DIRECTV ask -- or, excuse me, conduct the
18 post-call surveys for installations done by contractors?

19 A. They do.

20 Q. Okay. Are the questions any different whether
21 the installer is a contractor or an Owned & Operated W-2
22 employee?

23 A. We expect the same level of quality for all
24 jobs.

25 Q. Okay. So the post-call survey is the same?

1 A. It's the same.

2 Q. Okay. Does DIRECTV give any guidance to
3 contractors, on -- on the incentives, as far as whether
4 the contractors should relay those incentives to the
5 installers?

6 A. We do not.

7 Q. Okay. Does DIRECTV give similar incentives to
8 its W-2 employees?

9 MR. KELLY: Vague and ambiguous because of the
10 use of the word "similar," since he did answer the prior
11 question no.

12 Q. (By Mr. Lake) Does DIRECTV give incentives on
13 the post-call index score to its W2 employees?

14 A. Currently, I'm not sure. There are some
15 performance incentives for the technicians, W-2
16 technicians, today. I would be guessing to tell you
17 what the -- the components were.

18 Q. Okay. Are you aware in the past whether
19 DIRECTV has given an incentive to W-2 employees to
20 achieve a high score on the post-call index?

21 A. I don't know specifically on the post-call.

22 Q. Okay. Besides the post-call index, are you
23 aware of any other incentives that DIRECTV has had for
24 contractors in the last six years?

25 A. I -- I just could not -- it changes. It moves

1 up, down; start one, end one. I couldn't recall.

2 Q. Not necessarily the time frames, but can you
3 recall any prior incentives that have been given to
4 contractors?

5 A. I cannot recall.

6 Q. Okay. Does DIRECTV prohibit contractors from
7 giving incentives to installers of -- or to installers
8 of the contractors?

9 MR. KELLY: Do we prohibit it? You can
10 answer.

11 THE DEPONENT: I'm sorry?

12 MR. KELLY: You can answer.

13 THE DEPONENT: Oh.

14 A. I wouldn't know, absolutely not. I'm not
15 involved, in any way, form, shape or fashion, in how
16 they compensate their employees.

17 Q. (By Mr. Lake) Okay. So you wouldn't know if
18 they offer incentives for -- if -- excuse me. You
19 wouldn't know if AIS offers incentives to its installers
20 to perform well on a post-call survey?

21 A. I would not know that.

22 Q. Okay. And you wouldn't know if AIS gave its
23 installers an incentive to sell protection plans?

24 A. I wouldn't know that either.

25 Q. Okay. But as far as you know, DIRECTV would

1 not -- does not prohibit AIS from having incentives to
2 its installers for the post-call survey or protection
3 plans?

4 MR. KELLY: He just said they have no say in
5 that, Counsel.

6 A. No, we -- we have no say in that.

7 Q. (By Mr. Lake) Okay. Just closing a loop, to
8 clarify.

9 If the installer of a contractor is performing
10 badly on either a post-call survey or other metrics that
11 DIRECTV evaluates installers by, does DIRECTV
12 communicate its -- any concerns it may have to a
13 contractor?

14 A. Not about an individual tech, that I'm aware
15 of.

16 Q. Okay. If an overall contractor like AIS is
17 doing badly on a given metric, does DIRECTV relay its
18 concerns to AIS?

19 A. They're given their data. And they understand
20 the targets, and they should know they need to hit the
21 targets.

22 Q. And if a contractor is not hitting its
23 targets, what happens?

24 A. It's -- you know, it could be any number of
25 things. But under one of the exhibits we saw, they just

1 don't get an incentive. You know, I think we -- I think
2 that's it. I don't really know how to describe that.
3 If a company was bad enough, I would -- I just couldn't
4 afford to have a bad company working for me.

5 Q. Okay. In your time at DIRECTV, are you aware
6 of DIRECTV ending a relationship with any contractor
7 based on their performance?

8 A. In the Owned & Operated world, not for
9 performance, that I can recall.

10 Q. The data or the reports that DIRECTV gives to
11 the contractor, are they broken down by installer?

12 A. I -- I don't -- I'm sure the data's in there.
13 It rolls up, and I'm sure it's there.

14 Q. So a contractor, say AIS, could evaluate the
15 performance of a given installer on the metrics that
16 DIRECTV evaluates AIS on?

17 A. They should be able to.

18 Q. Okay. Are you aware of any instance where
19 DIRECTV has raised concerns about a specific installer
20 of a contractor?

21 A. Relative to?

22 Q. To their performance; you know, whatever their
23 conduct is as an installer, that DIRECTV has concerns
24 about a specific installer and has relayed that --

25 A. So --

1 Q. -- relayed that to a contractor?

2 A. The ones that I can think of, that hit my
3 desk, would be safety concerns, public safety; they
4 scared a customer; an allegation of theft; made the
5 customer feel uncomfortable, for whatever reason.

6 Q. Okay. And in any of these instances that you
7 can think of, has DIRECTV -- what has DIRECTV said to
8 the contractor?

9 A. I've never said anything to the contractor.

10 Q. Right.

11 A. And it depends on if it's -- I think it
12 depends clearly on the topic.

13 Q. Okay.

14 A. On the subject.

15 Q. Are you aware of any instance where DIRECTV
16 told a contractor, "We do not want this installer
17 working on any DIRECTV jobs in the future"?

18 A. I'm not aware of any specifics.

19 MR. LAKE: Okay. I think this would be a good
20 time to take a short break.

21 MR. KELLY: Sure, okay.

22 MR. LAKE: Off the record for ten minutes.

23 (Recess taken from 10:14 a.m. to 10:26 a.m.)

24 Q. (By Mr. Lake) I'm going to have you take a
25 look at Exhibit --

1 MR. LAKE: Would this be 11?

2 THE REPORTER: I'm on 12.

3 (Exhibit 12 marked.)

4 MR. LAKE: And, Joel, this is the service
5 provider agreement that we used yesterday.

6 MR. KELLY: To your point, I think we're
7 saving trees.

8 MR. LAKE: Exactly.

9 MR. KELLY: It was Exhibit 3 yesterday?

10 MR. LAKE: Okay, yeah, that one.

11 MR. KELLY: Give those to the court reporter.

12 THE DEPONENT: The old ones?

13 MR. KELLY: Yeah, the ones you don't --

14 Q. (By Mr. Lake) Yeah, you can -- actually, you
15 want to keep Exhibit 1 --

16 A. Okay.

17 Q. -- close by. But the other ones, yeah, we're
18 done with.

19 Do you review or participate at all in the
20 process of coming to service provider agreements with
21 contractors?

22 A. On a rare occasion.

23 Q. Okay. What would be the -- what are some of
24 the instances in the past where you've had to -- where
25 you've been involved?

1 A. If it was a new provider, as an example.

2 Q. Okay.

3 A. I can't think of anything else.

4 Q. In August of 2009 you were in your current
5 position, correct?

6 A. Correct.

7 Q. And do you recall DIRECTV entering into this
8 service provider agreement, marked as Exhibit 12, with
9 Lumin Incorporated?

10 A. Yes.

11 Q. Okay. And what do you recall about that?

12 A. It was postacquisition of, I think it was,
13 180 Connect. And we wanted to get them under contract
14 with DIRECTV.

15 Q. Okay. So prior to that, Lumin was working for
16 an HSP of DIRECTV's?

17 A. Correct.

18 Q. Okay.

19 A. I assume.

20 Q. Okay. That's -- yeah, that's your
21 recollection, sitting here today?

22 A. Yeah. Let me rephrase that. It's my
23 assumption.

24 Q. Okay.

25 A. Yeah, I wouldn't have known Lumin at all then.

1 Q. Okay. Do you recall anything else about the
2 process by which DIRECTV came to this service provider
3 agreement with Lumin?

4 A. No.

5 Q. Has there been any instance where -- that you
6 are aware of, where DIRECTV's entered an agreement with
7 a contractor and there's -- the contractor has requested
8 changes to the agreement?

9 A. On occasion.

10 Q. What would have been some of the reasons?
11 What are some of the changes requested by contractors?

12 A. Let me -- if you don't mind, I'll glance at
13 this --

14 Q. Please, please.

15 A. -- to see if anything --

16 Q. Take your time.

17 A. -- reminds me. (Deponent examined exhibit.)

18 You know, real early in the -- in my
19 experience here, 14 years ago, 13 years ago, they wanted
20 a greater frequency of payments, so now we're paying
21 weekly, but it used to not be that frequent.

22 Q. Okay.

23 A. And, you know, I -- I really -- I'm not sure I
24 can come up with anything else. I think it would have
25 to do with the attorney for the other company, whether

1 it's language or wordsmithing or whatever, so I don't --

2 Q. But is this service provider agreement that's
3 Exhibit 13, is it a form contract that DIRECTV presents
4 to contractors?

5 A. I assume it is, since there's a blank at the
6 top.

7 Q. Okay. But do you know for sure?

8 A. No, I don't. I don't process these.

9 Q. Okay. Are you aware if Lumin Incorporated
10 requested any changes to the contract that was proposed
11 to them by DIRECTV?

12 A. I'm not aware.

13 Q. Okay. Are you aware if AIS, when it took over
14 the contract for Lumin, requested any changes?

15 A. Not aware.

16 Q. Okay. And in -- let's see. Let me get to the
17 right page. If you could turn to Page 14, which is
18 marked also DTV296.

19 A. Okay.

20 Q. It's -- this version of the contract is
21 unsigned by DIRECTV, but who would typically have signed
22 a service provider agreement in August of '09?

23 A. You know, the Owned & Operated division was so
24 new, I think we were all trying to -- everybody was
25 figuring the processes out.

1 Q. Okay.

2 A. I don't know. There's only one -- at this
3 time there was only one senior vice president. That
4 would have been Dave Baker.

5 Q. Okay.

6 A. But I don't see his autograph or his name
7 there, so . . .

8 Q. Have you had any communication with Michael
9 Lair at any time? Does he --

10 A. Never.

11 Q. Okay. Have you had any communication with Ray
12 Martinez?

13 A. No, not that I'm aware of.

14 Q. Okay. Have you had any communication with
15 anybody from either Lumin or AIS?

16 A. Never Lumin. I may have met Ray at one point,
17 but I wouldn't know him or remember it.

18 Q. Okay. And typically, who would a contractor
19 like AIS be communicating with at DIRECTV?

20 A. I -- I think it's through a financial
21 function.

22 Q. What about in -- about nonfinancial issues,
23 you know, equipment or questions about how to do certain
24 tasks or anything like that? Who's that, kind of, their
25 point of contact for a contractor?

1 A. Most likely the site manager.

2 Q. Okay.

3 A. Yeah.

4 Q. How does DIRECTV find contractors to work
5 with?

6 A. Well, it's a -- a broad question. Most of
7 the time, they come to us, looking for work. I would
8 say that is the vast majority of the volume, is people
9 reaching out to us.

10 On occasions, if we know that there is a good
11 contractor somewhere else, that people are having great
12 results with, we -- there could be an outreach to say,
13 "Are you interested in expanding?"

14 I'd say those are the two, you know, typical
15 ways.

16 Q. Okay. The contractors who reach out to you,
17 is there -- is that in response to any kind of ad that
18 DIRECTV puts out for looking for contractors?

19 A. No. I don't -- I don't know that we've ever
20 advertised for a contract company.

21 Q. Okay.

22 A. I don't recall that.

23 Q. How small is the smallest contractor that
24 DIRECTV works with in your region?

25 A. I really wouldn't know.

1 Q. Okay.

2 A. I don't know their business models. We may
3 have as few as six or seven people in a market, but I
4 wouldn't know how big the company is.

5 Q. Okay. What's the biggest contractor that
6 you're aware of in your region?

7 A. You know, they're not big. I -- I've -- we
8 don't use a lot of contractors in my region. So, you
9 know, I think -- let me just sort of process through
10 this a little bit, if that's okay.

11 You know, I would say, on the high end, at
12 least working for me, technicians that run routes, maybe
13 40 in a market. They may get a little bigger, but
14 they're not --

15 Q. Around 40?

16 A. Yeah, it's a guess.

17 Q. Okay. Can't think of any bigger --

18 A. It's an estimate.

19 Q. So you can't think of any that are as big as a
20 hundred?

21 A. I don't think I have that in my region.

22 Q. Okay. In your region what percentage of
23 installations are performed by contractors?

24 A. It fluctuates.

25 Q. Okay.

1 A. But I'm in mid- to high teens, 14 percent to
2 18 percent of my work order volume, in total.

3 Q. Has that number increased or decreased over
4 time?

5 A. You know, I actually think it's decreased. At
6 least -- you know, again, volume changes a lot. Same
7 number of technicians, could be 14 percent; same number
8 of technicians, could be 19 percent, okay?

9 Q. Sure.

10 A. But I think, at worst-case scenario -- I think
11 I'm flat, but I think, from this date, it's down.

12 Q. Okay. Do you recall approximately how high it
13 was back in '09? I guess I would say, over the last six
14 years, what's kind of been the high end of percentage of
15 installs done?

16 A. I think, low 20s.

17 Q. Okay.

18 A. Bit of a swag there.

19 Q. Do you know if your region is higher or lower
20 in the percentage of work done by contractors, compared
21 to other DIRECTV regions?

22 A. I -- I do not recall their numbers, off the
23 top of my head. I think I'm a little lower.

24 Q. Okay. And how do you decide, or how does
25 DIRECTV decide, when to use a contractor in an area or

1 whether to have Owned & Operated people do all the work?

2 A. Ask that for me again.

3 Q. Okay. How does DIRECTV decide that it wants
4 to hire a contractor in a given area?

5 A. Yeah, so for me, it almost always ties back to
6 my ability to hire locally.

7 Q. Okay. And meaning your ability to hire enough
8 Owned & Operated W-2 employees?

9 A. Correct.

10 Q. Okay. So if you can, it would be -- is it
11 your preference to have all work done by Owned &
12 Operated employees?

13 A. I like a little -- there's a second factor,
14 other than my ability to hire locally, but my ability to
15 expand and contract with peaks and valleys. It's --
16 it's my -- contract labor is my easiest lever to expand
17 or contract, usually.

18 Q. Why is that?

19 A. It may take me -- it's the cycle time from
20 hire to productive technician, the difference in the
21 two. A contractor can usually get up a little quicker
22 than I can get technicians up.

23 Q. Okay.

24 A. And -- and if volume falls, I can tell
25 Mr. Lumin that I -- I no longer need their services.

1 Q. Do DIRECTV's contractor relationships
2 typically -- are they ongoing, though, in the sense that
3 they are -- they're not term limited, they're
4 indefinite?

5 A. Yeah. I think it's about notification. I
6 don't know that there is any term in here at all, so I
7 think it's "effective of." And I don't think there's a
8 -- it's not a three-year term, if I recall.

9 Q. Right. I'm only asking because in your last
10 response you said that you could tell a contractor, "We
11 don't need your services anymore."

12 A. Right.

13 Q. Does that happen often or do you just -- where
14 you tell a contractor, "We don't need your services
15 anymore in this market"?

16 A. Not often.

17 Q. Okay. Can you think of any instances where
18 it's happened?

19 A. No, I can't. Not in the -- not in the Owned &
20 Operated environment, I really -- I really can't.

21 Q. But DIRECTV will tell the contractor that --
22 or what does DIRECTV tell a contractor when it wants to
23 expand because it sees a lot of demand coming in?

24 A. Right. The forecasts show volumes coming up,
25 we're struggling to get the W-2 folks hired. We'll ask

1 our contract partners if they want to expand.

2 Q. Okay. And is that expanding as far as the
3 number of days per week that the -- they will have
4 technicians work?

5 A. I would be referring to -- if it were me, I
6 would ask if they wanted to add some bodies to the
7 marketplace.

8 Q. Does DIRECTV tell a contractor, "Can you
9 expand the number of days per week that you're going to
10 work?"

11 A. On occasion. I can see that happening.

12 Q. Okay. So can you move from five to six or six
13 to seven?

14 A. Correct.

15 Q. Okay. Does DIRECTV tell contractors, "We'd
16 like you to expand the number of hours per day that
17 you're" -- "that you're available"?

18 A. I don't -- I don't know that I would ask that.

19 Q. Okay. Previously you had said that
20 technicians can -- can be productive -- can go from
21 hiring to productivity faster with a contractor. Why do
22 you think that is?

23 A. My experience is, most of them are
24 experienced.

25 Q. Okay. As opposed to, the folks that DIRECTV

1 hires tend to be new to the installation --

2 A. Certainly today. That's sort of changed over
3 the years, but today we're really more in a -- we're
4 seeing more -- let me back up and rephrase it. When the
5 economy suffered, we were getting a lot of people, a lot
6 of trades from other industries, come in.

7 Q. Okay. There might have even been some lawyers
8 out there.

9 A. I don't think that a lawyer would be happy
10 doing my work. Vice versa?

11 Q. Definitely vice versa.

12 MR. KELLY: I'd say offense taken.

13 MR. LAKE: Yeah.

14 THE DEPONENT: I'm outnumbered. What do I do?

15 MR. LAKE: This will be Exhibit 13.

16 (Exhibit 13 marked.)

17 Q. (By Mr. Lake) You can take your time and read
18 the whole e-mail. I know it's a couple paragraphs. And
19 I'll ask you about it then.

20 A. (Deponent examined exhibit.) Okay.

21 Q. My first question about Exhibit 13 is, the
22 second-to-the-last line states -- well, actually the
23 first. Adam Brown, are you aware that he was a field
24 supervisor for DIRECTV?

25 A. No.

1 Q. Okay. So the name doesn't ring a bell?

2 A. Does not.

3 Q. Okay. Do you have any reason to believe that
4 he wasn't a field supervisor, that this e-mail is not
5 authentic in any way?

6 A. No. I mean, other than the "From," I don't
7 recognize the -- the address there, so . . .

8 Q. Okay. So the second-to-last line states, "I
9 . . . have" -- "also have not yet changed Oleg's
10 efficiency rating yet since I'm still looking as to how
11 this will impact availability."

12 Do you see that?

13 A. I do.

14 Q. Can you -- do you know what that means?

15 A. Not relative to Oleg or -- but the
16 efficient -- I can tell you what the efficiency rating
17 is.

18 Q. Okay. Let's start there.

19 A. In -- in our Click, the routing engine for our
20 organization, there are several factors that determine
21 how the work is routed and how much work they get. And
22 it's therefore how much work they get.

23 I think the efficiency ratings run from, with
24 1 being, can do a normal route, a full normal route; .8
25 would be not quite a formal -- a full normal route; and

1 1.1 would be slightly better than average.

2 Q. Okay.

3 A. So that's the efficiency rating.

4 Q. How would an installer's efficiency rating
5 impact availability?

6 A. Simple math says that if 10 technicians can do
7 one job apiece, with an efficiency rating of 1, then I
8 can do 10 jobs a day. With a 1.1 efficiency rating, I
9 could do 1. -- I could do 10.1 jobs per day. With a .8
10 efficiency rating, I could do nine-dot, whatever,
11 -two --

12 Q. Okay.

13 A. -- jobs per day. And so if you scale that to
14 40 technicians or 20 technicians or 5 technicians, you
15 could either build capacity or shrink capacity for
16 customer demand.

17 Q. Okay. The first paragraph talks about the
18 schedule for the AIS guys in Lynnwood has changed to
19 reflect the 8:00-to-6:00 schedule with no overtime. Do
20 you see that sentence?

21 A. I do.

22 Q. Do you know what that is referring to? Is
23 that -- is DIRECTV updating information or is DIRECTV
24 requesting AIS to change their schedules?

25 MR. KELLY: No foundation.

1 A. The way the process works, I see this as a --
2 a term called provisioning. We refer to it as
3 provisioning. The contractor, in this case AIS, would
4 tell us how many people they have, what their shifts
5 are, what their skill sets are, what days of the week
6 they're going to work. And we would enter that into our
7 routing machine.

8 So in this case it looks like -- I -- I would
9 assume that AIS told us that here are our new shifts.

10 Q. (By Mr. Lake) When DIRECTV routes or gives --
11 prepares work orders for installers, does it build in
12 any time for a lunch period?

13 A. So in the W-2 world, we do. I do not for
14 contractors.

15 Q. Okay. Why is that?

16 A. I don't route their folks.

17 Q. But the -- the orders that are given from
18 DIRECTV to contractors, they're typically 8:00 to 12:00
19 and then 12:00 to 4:00?

20 A. Those are the windows available to our
21 customers. And the customer selects whether they want
22 an a.m. window or a p.m. window.

23 Q. Okay.

24 A. But they are -- there's nothing, other than a
25 four-hour appointment window availability, available for

1 our customers. With one exception: When Daylight
2 Savings Time -- I kind of forget the nomenclature -- when
3 we have more daylight, depending on the market, we can
4 offer a 4:00-to-8:00 appointment window to customers
5 because it's safe.

6 Q. All right. Typically the contractors that
7 DIRECTV uses, does DIRECTV request that the contractors
8 are -- have installers available a minimum number of
9 days per week?

10 A. For the contractor?

11 Q. Right.

12 A. I don't think so. There's an assumption, when
13 we talk about technicians, that we're talking about full
14 time, I would assume, but that's an assumption.

15 Q. And I don't mean a specific individual, but
16 will DIRECTV tell a contractor, say AIS, "We need to
17 have people available seven days a week to do" --

18 A. Yes, yes.

19 Q. Okay.

20 A. I actually think it's in the contract.

21 Q. And it's seven days per week?

22 A. Some people, yes.

23 Q. Okay. You can set aside Exhibit 13. We'll
24 then move on to Exhibit 14.

25 (Exhibit 14 marked.)

1 Q. (By Mr. Lake) And my questions are
2 specifically going to be about the paragraph titled
3 "Personal Time Off (Vacation Time)," but still feel free
4 to take as much time as you want to read the whole
5 thing.

6 A. (Deponent examined exhibit.) Okay.

7 Q. Turning to that paragraph titled "Personal
8 Time Off," parentheses, "Vacation Time," the third
9 sentence states, it's ". . . important to note that
10 there are specific times of the year where DIRECTV will
11 not allow us to fill vacation requests based off
12 activity," slash, "days out."

13 Do you see that sentence?

14 A. I do.

15 Q. Are there certain times of year where DIRECTV
16 has that policy with AIS?

17 A. No. With -- not that I'm aware of, and this
18 is the first I've seen, there.

19 Q. So not that you're aware of?

20 A. No.

21 Q. Okay. But are you certain that DIRECTV does
22 not have a policy with AIS about vacation requests?

23 A. No, no.

24 Q. Okay. So do you have any idea what this
25 sentence is referring to?

1 A. Oh, well, I mean, it is -- it says what it
2 says. It's -- that DIRECTV will not allow us, you know.
3 I -- I don't know the way -- I don't know Justin or
4 whoever -- who is Justin Masecup (sic)? I'm not -- is
5 that -- this is an AIS document, right?

6 Q. Correct.

7 A. So I'm not -- I wouldn't know if we ever told
8 him -- there's not a policy. Rephrase this, I mean,
9 more emphatic. There's not a policy, that I'm aware of,
10 that -- that will not allow people to take PTO.

11 Q. Okay.

12 A. I don't know how AIS articulates. You know,
13 do they just put it on DIRECTV, or are they just saying
14 in peak periods? Is that their way of telling their
15 employees, "During peak periods, I need you working so
16 my revenue's higher"? I don't know.

17 Q. Okay.

18 A. So it could be Billy Masecup's way of getting
19 his people to work and pointing a finger at me. I don't
20 know.

21 Q. So Billy Maez, he is now a DIRECTV employee,
22 correct?

23 A. He is.

24 Q. So he was formally with AIS?

25 A. No, no.

1 Q. Okay.

2 A. No, he was not. Now, I'm a little confused
3 over this. It's on the AIS letterhead. Maybe I've made
4 an assumption here, right? But I'm not even sure -- I'm
5 assuming this is from AIS, since it's on an AIS
6 letterhead.

7 Q. Okay. If you could turn back to Exhibit 1.

8 A. Um-hmm.

9 Q. You can set aside Exhibit 12, the contract,
10 for now, as well.

11 Turning to Page 3 of Exhibit 1, Category 3,
12 "Entry Into Business Premises", "Description" -- and
13 again, this is the deposition notice, and DIRECTV has
14 designated you the person most knowledgeable on the
15 description of the frequency and scope of occasions in
16 which AIS installers entered DIRECTV premises and/or any
17 space rented by DIRECTV.

18 Do you believe that you are the person most
19 knowledgeable?

20 A. Sure.

21 Q. Okay. Can you -- what would be the instances
22 where contractor installers, either AIS or others, would
23 enter DIRECTV premises?

24 A. Installers.

25 Q. Installers.

1 A. I can't think of one that would be anything
2 other than happenstance. I can't even think for a
3 reason.

4 Q. Okay. What about training, if there was a
5 training video other a training session that DIRECTV was
6 conducting at its own premises? Would contractor
7 installers be invited to it?

8 A. You know, our direction has always been no.

9 Q. Okay. When you -- when you say your
10 direction, from -- from whom are you speaking that
11 you've gotten this direction?

12 A. From me, to say contractors train contractors,
13 and we train W-2, so --

14 Q. Do you know what the purpose is for keeping it
15 separate?

16 A. Well, they're not my employees.

17 Q. Right, but they are performing DIRECTV
18 installations.

19 A. Correct.

20 Q. Okay. According to guidelines that are laid
21 out by DIRECTV.

22 A. Correct.

23 Q. Okay.

24 A. Maybe I should add, the materials are
25 available to the con- -- the same materials are made

1 available to the contractors, to train their folks,
2 that we train our people on.

3 Q. Right. But the purpose is that the
4 experience -- or, excuse me, that the installation
5 that's done, whether it's by W-2 employees or a
6 contractor, is identical?

7 A. I'll say it different. We -- we don't expect
8 a gap in performance, but -- make sure I articulate this
9 well. It is a -- it's a proprietary product. They --
10 they've got to -- there's only one place to learn how to
11 install our product, and that's through the proprietary
12 information that we've got. Our equipment works
13 differently than Dish Network's.

14 So that would be the reason it's similar. I
15 mean, other than you want -- you want to make sure that
16 the -- all of our customers have a fine experience.

17 Q. Turning to Topic B on -- or Subpart B under
18 Topic 3, the description of frequency and scope of
19 occasions in which DIRECTV personnel entered AIS
20 premises and/or any space rented by AIS. Do you believe
21 that you are the person most knowledgeable on this
22 topic?

23 A. Sure.

24 Q. Okay. What would be the reasons that DIRECTV
25 personnel would go to AIS offices?

1 A. Month-end inventory maybe, as one example.
2 Maybe an occasional meeting with the principal there,
3 the manager at the site. That would probably be the --
4 the two examples I would think of.

5 Q. Does DIRECTV go to contractors to conduct
6 training?

7 A. Not that I'm aware of.

8 Q. Okay.

9 (Exhibit 15 marked.)

10 Q. (By Mr. Lake) All right. Mr. Crawford, I'll
11 give you this document. It will be Exhibit 15. The
12 subject of the e-mail that's Exhibit 15 is "V.O.M." Do
13 you know what "V.O.M." stands for?

14 A. I assume, "video of the month."

15 Q. Does DIRECTV have videos of the month?

16 A. It's not quite monthly anymore, but, yeah.

17 Q. Okay.

18 A. We do.

19 Q. And are those -- is it kind of a -- are they
20 training videos, or what are the videos typically about?

21 A. There's some training. There's some general
22 communications.

23 Q. Does DIRECTV require contractors to have their
24 installers view the videos of the month?

25 A. You know, I don't know if it's a requirement,

1 but I would say that they should want to see it.

2 There's -- there's information probably pertinent to the
3 job.

4 Q. Okay. Are you aware of an employee of DIRECTV
5 named Kimmie Hintz?

6 A. I remember Kimmie.

7 Q. Okay. What was her role, what was her job
8 title, at DIRECTV?

9 A. I -- well, so her -- her address at the bottom
10 of the e-mail is a system trainer, "D.S.T."

11 Q. Okay. And what does a system trainer do?

12 A. They train our W-2 employees.

13 Q. Are you aware that -- of system trainers going
14 and conducting trainings for contractors as well?

15 A. No, I'm not. This is -- you know, I don't
16 know that she conducted this.

17 Q. Sure.

18 A. Right. It just says: See you there. But I
19 don't -- I don't know that she actually conducted that.

20 Q. Okay.

21 MR. LAKE: This will be Exhibit 16.

22 (Exhibit 16 marked.)

23 Q. (By Mr. Lake) You can set aside Exhibit 15
24 for now, Mr. Crawford.

25 A. Okay.

1 Q. Have you -- are you aware of DIRECTV having
2 weekly safety topics, like Exhibit 16 on the topic of
3 attic safety?

4 A. At that time of the -- at that time, I think
5 there was, yes.

6 Q. Okay. Do you recall how -- estimate how long
7 DIRECTV was conducting weekly safety topics for?

8 A. Not exactly.

9 Q. Okay. Years?

10 A. You know what? We may still be doing it. We
11 do safety topics. I just don't know if it's weekly.

12 Q. Okay.

13 A. I'd say years, yeah.

14 Q. Are these weekly safety topic materials
15 provided to contractors?

16 A. I don't know.

17 Q. Okay. Does DIRECTV require contractors to
18 participate in the weekly safety topics?

19 A. Not that I'm aware of.

20 Q. Okay. Does DIRECTV have required training for
21 contractors, on an ongoing basis?

22 A. Certifications that are required for new
23 SBCAs, you know, the industry certification; new
24 installation; and there's certifications that come along
25 over time.

1 The only reason that -- and it determines the
2 type of work they get. So if they don't do a service
3 certification, for example, they could never get a
4 service call through the routing engine.

5 Q. Okay.

6 A. So it has to do with what type of work they
7 want to do.

8 Q. Besides service certifications, what would be
9 some of the other certifications, other than the ones to
10 initially become an installer?

11 A. There are commercial certifications. I'm not
12 sure -- I'm just saying what's available. I'm not sure
13 AIS had any people that did commercial work for us.

14 There are -- there's upgrade certifications.
15 There's wireless certifications. Now, these are things
16 that have been added over the years. I'm really talking
17 about today.

18 Q. Right.

19 A. Wireless certifications were not -- were not
20 around back in '10, maybe even '11. I mean, they -- I'm
21 not quite sure when our wireless product came along.

22 Q. Does an installer need the wireless
23 certification to install boxes that have wireless
24 capability?

25 A. They do today.

1 Q. Okay. Have they always needed it since
2 DIRECTV introduced the wireless boxes?

3 A. If they wanted to do a wireless install. So
4 if -- if the job called for a wireless DECA -- we'll
5 stay with the previous vernacular -- then if they
6 weren't -- hadn't gotten themselves certified and sent
7 the note to us that the technician was certified, then
8 he -- it would never go on his skill set list and he
9 would never receive a wireless DECA job.

10 Q. Okay. Does that include contractors?

11 A. Yes.

12 Q. Okay.

13 MR. LAKE: Let's see. This will be
14 Exhibit 17. And, Joel, this was one of the exhibits
15 that we used yesterday that are required training.

16 MR. KELLY: Okay.

17 MR. LAKE: And I'll just mark these other
18 exhibits that go along with it, 18 and 19.

19 (Exhibits 17, 18 and 19 marked.)

20 MR. KELLY: What was the exhibit number
21 yesterday? Do you have that?

22 MR. LAKE: I'm not sure. It was towards the
23 end. It was the training materials, along with the
24 exercise and the --

25 MR. KELLY: I got it.

1 MR. LAKE: -- form.

2 MR. KELLY: Okay.

3 Q. (By Mr. Lake) So Exhibit 17 is -- is called
4 "DIRECTV Required Training." We don't have to go
5 through the actual details of the materials inside, but
6 so does DIRECTV require certain trainings to be
7 completed by contractors?

8 A. If the contractor wants to do this type of
9 work, then they will need to -- you know, they would be
10 required to get certified; take the course, get
11 certified; so that we know that they're capable of doing
12 the work.

13 Q. Okay.

14 A. But -- but just to be clear, we provide the --
15 the curriculum -- I'm trying to think of the right
16 word -- that we provide the curriculum; it's up to the
17 business owner to train or not train.

18 If they didn't train, I would imagine there's
19 a good chance their revenues would go down because they
20 just wouldn't get -- this is an example -- this type of
21 work anymore.

22 Q. So other than wanting to get new kinds of
23 work, are there -- does DIRECTV just have ongoing
24 trainings, like refresher trainings or anything like
25 that, that it requires of contractors?

1 A. I -- I don't think the -- I think the word
2 "require" is -- I don't know how to separate, I guess,
3 what I just said from your question. There are new
4 products that come along that -- that -- that, you know,
5 quite frankly, need continuing education, if you want to
6 continue to do these types of work.

7 Q. Okay.

8 A. So I get -- I get the word "required" here.
9 But I think there's some -- some realities, behind the
10 word "required," that the business owner has to decide
11 where they want to go with that.

12 Q. Okay. Well, let's turn to Exhibit 19 then.

13 A. Okay.

14 Q. In the first box, "Training Manager," the line
15 states, "In partial fulfillment of your contractual
16 requirements with DIRECTV . . . this form serves as
17 proof of your training and testing."

18 A. Okay.

19 Q. So does DIRECTV's contracts with contractors
20 require ongoing training then?

21 A. Well, let me take a look, then, at the
22 agreement.

23 Q. Sure.

24 A. It does require them to have enough knowledge
25 to do a good job, to do the job as described, to

1 understand what we expect, to be knowledgeable of all
2 policies and practices. As I said awhile ago, I'm just
3 kind of going through the contract. To understand what
4 new products are coming along and what's expected there.

5 Maybe just some examples, without going
6 through all, I don't know, 45 pages. There's a few
7 examples of why, why it would be important, I think, for
8 the principal to stay on top of their business.

9 Q. What would be some of those examples?

10 A. We introduced the production plan. And as an
11 opportunity to sell, they would probably need to -- they
12 would -- in order to do that, they would need to
13 understand what the protection plan is, the customer
14 proposition; you know, some features and benefits. And
15 that would be an example.

16 Q. Okay. All right. Does DIRECTV have an ethics
17 course or ethics requirement for its W-2 employees?

18 A. Yes.

19 Q. Okay.

20 A. I -- I think -- yes, it's brand new, for our
21 Owned & Operated division. I think. We might have done
22 it last year. I don't think so. I think maybe this
23 year is new.

24 Q. What are the materials? What does that
25 consist of? What is this ethics course? What are some

1 of the topics that are covered?

2 A. Harassment, sexual harassment, duties of a
3 manager, proprietary information, things of that nature.

4 Q. Does DIRECTV provide the curriculum for the
5 ethics course to its contractor installation --
6 installation technicians?

7 A. Not that I know of.

8 Q. Just to distinguish, I guess, is it that
9 you're -- you're not aware if DIRECTV has provided it to
10 AIS?

11 A. I think it's for W-2 employees.

12 Q. Okay. Turning back to Exhibit 1, and you can,
13 I think, set aside these other documents for now because
14 I want to keep you focused on Exhibit 1.

15 A. Okay. I'm there.

16 Q. Going back to Page 3, Topic 3.b., you had
17 started mentioning some of the reasons that DIRECTV
18 personnel would enter AIS premises. I think you had
19 mentioned the inventory.

20 A. Yeah.

21 Q. Okay. What are some of the other reasons, if
22 any, that DIRECTV personnel would enter AIS premises?

23 A. Meetings with the principals.

24 Q. Okay.

25 A. But I can't think of any others really

1 routinely.

2 Q. Does DIRECTV -- what would be some of the
3 reasons that DIRECTV would be meeting with the principal
4 of AIS?

5 A. Business relationship. You know, principals
6 of these companies have lots of questions for us as
7 they're working with us. Their relationship with us
8 matters. Their -- I'm sure their performance with us
9 matters. They've got -- they signed the contract.

10 Q. Does DIRECTV have an expectation of its site
11 managers to -- to forge a relationship with contractors?

12 A. We have a relationship with the contractors.
13 It's legal.

14 Q. Sure.

15 A. And when I say "contractors," to be clear, not
16 with the -- with their front line employees. We do --
17 you know, we try hard to keep up with our W-2 employees,
18 not take on other responsibilities.

19 Q. Are DIRECTV site managers evaluated on the
20 performance of its contractors?

21 A. We evaluate them on the performance of the
22 entire market. If there's -- if there happens to be
23 contractors in that market, that would influence the
24 performance.

25 Q. We can turn to Page 4 of Exhibit 1.

1 A. Sure.

2 Q. Topic 4 at the top, "Materials," this
3 deposition notice includes a description of the types of
4 materials DIRECTV provides to AIS installers, free of
5 charge, for use in installing DIRECTV equipment.

6 DIRECTV has designated you as a person most
7 knowledgeable on this topic of the materials. Do you
8 believe that you are the person most knowledgeable?

9 A. I do.

10 Q. Okay. What are the materials that AIS -- or,
11 excuse me, that DIRECTV provides to AIS?

12 A. Yeah, so I would say I don't provide -- I
13 provide the materials to the warehouses, to the
14 leadership, right.

15 Q. Okay.

16 A. We don't issue materials to any contract
17 installers individually, that I'm aware of. Free types
18 of materials, so the type of materials, there's not a
19 lot of free.

20 We deliver a lot of materials on consignment,
21 meaning I will give them the IRD, or the Broadband DECA,
22 and if they consume it on a work order properly, then --
23 or that they can prove that they still have it in their
24 warehouse, then it doesn't cost them anything, okay? So
25 I would say that's under consignment.

1 There are probably other materials that we
2 offer, some connection types, the connections between
3 the television and the IRD component, composite HDMI
4 connections. Don't ask me to get technical. They're
5 just connection types that are -- some are better than
6 others.

7 No tools. I believe they buy all their own,
8 what I would call, consumables; cable connectors, zip
9 ties; you know, the consumable types of things that they
10 would probably use on every job or many jobs.

11 Q. So what is the process by which DIRECTV gets
12 this equipment, the IRDs or the connectors, to AIS?

13 A. I -- you know, I don't know, market to market.
14 But I think generally they -- you know, our warehouse
15 folks, because they've told us how many people they have
16 employed, we have a rough idea. We have a history of
17 what they complete.

18 Every week our warehouse folks would do an
19 estimate, pallet that information up, and the contract
20 principal or somebody -- you know, supervisor,
21 somebody -- would come pick that up, reconcile the "I
22 received," sign the -- the disbursement sheets, and
23 leave.

24 Q. Okay.

25 A. Assigning ownership then from my warehouse to,

1 in this particular case, the AIS warehouse.

2 Q. Okay.

3 A. Chain of custody, if you will.

4 Q. Do DIRECTV personnel, be they site managers or
5 field supervisor, do they accompany contractor
6 installers when the contractor installers are performing
7 installation or upgrade?

8 A. No. Would you ask that question for me again,
9 please?

10 Q. Right, okay. Does -- do DIRECTV personnel,
11 whatever their job title, do they accompany contractor
12 installers while the contractor installers are doing
13 installation or an upgrade?

14 A. No, not routinely.

15 Q. Can you clarify what you mean by "not
16 routinely"? Are there instances where they would?

17 A. I would say the odds are highly against it.
18 It would be a -- an incredibly rare -- I'll use that
19 word; my vocabulary's important there -- happenstance
20 that somebody bumped into somebody in another job, on a
21 QC inspection.

22 Q. Okay. What's a QC inspection?

23 A. Quality check.

24 Q. Okay. And what does that consist of?

25 A. Oh, a -- a process by which we make sure that

1 the job that we have assigned to the W-2 employee or
2 contractor was done to the standard installation guide.
3 The -- the statement of work: Are they using the right
4 materials? Does it look good?

5 Q. So does it consist, then, of a DIRECTV
6 personnel going to a customer's home or office after an
7 installation's been done, and evaluating it?

8 A. Correct.

9 Q. Okay. And DIRECTV will do that evaluation of
10 both W-2 employee installers and contractor installers?

11 A. A very small percentage of the work.

12 Q. Okay. But it'll be -- what I'm asking is,
13 does DIRECTV do quality control of both W-2 employees
14 and contract installers?

15 A. Yes.

16 Q. Okay. And typically how -- how soon after a
17 job has been completed does DIRECTV try to accomplish
18 this quality control?

19 A. You know, I -- I think it's -- it's all over
20 the board, depending on volumes and backlogs. I don't
21 know that I could say typically. There's not a --

22 Q. Is there a -- I guess, is there a policy or
23 objective that DIRECTV has, like say, "We want you to go
24 there within three days"?

25 A. No. I would say it's as soon as possible.

1 Q. Okay.

2 A. It wouldn't do any good to QC a job a year
3 later.

4 Q. Okay.

5 A. But your earlier question, I think, was, would
6 we ride along with a contract tech? The answer's no.

7 Q. Okay. What's the name of the position at
8 DIRECTV that would do the quality control inspection?

9 A. We used to have QC inspectors, but I don't
10 think there are any QC inspectors in that region today.
11 I think it's now supervisors that are doing the majority
12 of that work.

13 Q. Are there field supervisors in that region?

14 A. That's correct.

15 Q. Okay. So what does a -- because I know we
16 earlier went over a position, a technician supervisor.
17 What's a field supervisor then?

18 A. Same, same job, sorry.

19 Q. Okay.

20 A. Different vernacular, really just for W-2. We
21 don't supervise -- I want to be clear. I'm talking
22 about my technician, slash, field supervisors supervise
23 my field W-2 employees.

24 Q. And then conducts the quality control
25 inspections of the W-2 employees?

1 A. Correct.

2 Q. And the contractors?

3 A. Yeah, the rarity at which we do that, these
4 days.

5 Q. Okay.

6 MR. LAKE: We can go off the record real
7 quick.

8 (Discussion held off the record.)

9 MR. LAKE: Okay. Go back on the record.

10 Q. (By Mr. Lake) When a AIS installer is doing
11 their job on a day-to-day basis, going out and
12 performing installations or upgrades, when they arrive
13 at a customer's work -- or when they arrive to perform a
14 work order at a customer's residence, do they contact
15 DIRECTV?

16 A. They should status themselves as to their
17 location.

18 Q. Okay.

19 A. But that doesn't mean they contact DIRECTV
20 necessarily.

21 Q. Who would they contact then?

22 A. Oh, they could contact their own super --
23 their own dispatch group, their own manager. They could
24 do it electronically through a handheld device.

25 Q. And that -- that handheld device, if they were

1 submitting that they had arrived, who would it be -- who
2 would they be submitting it to then?

3 A. It's really to the -- to the -- to Click.
4 It's really to the routing engine, keeping the routing
5 engine updated.

6 Q. Okay. So and Click is DIRECTV's database?

7 A. It is the routing engine.

8 Q. Okay.

9 A. Correct.

10 Q. Okay. When a contractor is performing an
11 installation and they encounter technical difficulties,
12 will there be instances in which they'll contact DIRECTV
13 if that happens?

14 A. Oh, we have a installation service --
15 installation and service hotline if a technician gets in
16 trouble; W-2, dealer or a contractor. If they were to
17 get in trouble with a piece of electric, they couldn't
18 get it to activate, they didn't know what was wrong,
19 they could either call a supervisor -- what we find,
20 more often than not, technicians call technicians.

21 Q. Right.

22 A. A tech calls a buddy: Dude, I'm in trouble.
23 Or there's an 800 number there, if they choose to call.
24 It's a small group, by the way.

25 Q. Okay. An 800 number for -- or, excuse me,

1 that's run by DIRECTV?

2 A. Correct.

3 Q. Okay. When a contractor installer completes
4 the work order, they also check in with DIRECTV?

5 A. They should status themselves.

6 Q. Which involves checking in through the Click
7 database?

8 A. Correct.

9 Q. Has -- has that process of checking in at
10 arrival and completion, has that been consistent in your
11 time as a regional vice president?

12 A. Ask that for me again, please.

13 Q. Has the process of checking in when you arrive
14 at a job and checking in when you complete a job, has
15 that changed at all in your time as regional vice
16 president?

17 A. Maybe, maybe slightly.

18 Q. Okay.

19 A. It's not a dramatic change. This status of --
20 you know, I probably should back up. The statusing is
21 really telling the machine I'm -- you know, when I'm
22 done with a job; I'm ready for another.

23 Q. Um-hmm.

24 A. But I think it's -- it's incumbent upon me to
25 back up, because I think, I'm sure, AIS's work is not

1 drip fed. They're really not. The Click machine is not
2 routing these technicians. And it really was referring
3 more to a W-2 environment, I guess.

4 So they're what we would call bulk fed. So
5 they probably -- the AIS employees are -- since -- since
6 99.9 percent of my work is dealing with W-2s, I answered
7 the question based on 99.9 percent of my work. But in
8 the AIS world, you know, they need to keep their
9 principal informed. They can update their status:
10 Arrived, on site, in progress, completed.

11 But if they don't complete -- if they don't
12 tell their -- whoever's running their dispatch group --
13 I'll use that vernacular loosely -- I don't know if
14 they've -- you know, I don't know who would give them
15 another job. Maybe they go out with two or three jobs.
16 I don't quite know.

17 Q. Well, regardless of whether an installer is
18 either bulk -- bulk fed or drip fed --

19 A. Yeah.

20 Q. -- does DIRECTV want to know when an installer
21 gets to a job?

22 A. Yeah, someone should let us know that -- the
23 status of that employee.

24 Q. Okay. And does DIRECTV want to know when that
25 person completes a job?

1 A. We would like to know.

2 Q. Okay. And that -- do contractor installers
3 like -- like AIS have the ability to communicate that
4 information directly to DIRECTV?

5 A. They do. I don't know, "have the ability."
6 Via a handheld device, electronic device.

7 Q. Right. And is there a number they can call,
8 like a dispatch center at DIRECTV?

9 A. I think there is, there.

10 Q. Okay.

11 A. You're -- the reason I say "I think," I know
12 there's a 800 number, be clear about that; I don't know
13 if it's for them to status themselves or not. I -- I
14 suspect they would status themselves through their own
15 company. If I owned the company, AIS, if I ran the
16 company, I would want to know where my people were.

17 Q. Okay. And similarly, you would want AIS to
18 tell DIRECTV, either coming from the principal or from
19 the installer?

20 A. Certainly let my system know, yes.

21 Q. Okay. So besides the checking in or the
22 checking out or the technical support, what would be the
23 other reasons that a contractor installer would contact
24 DIRECTV?

25 A. Directly, I can't think of another reason.

1 Q. Okay. Do you know if AIS installers had the
2 contact information of site managers or field
3 supervisors of DIRECTV?

4 A. I wouldn't know if they had -- the AIS
5 installers had that or not. They may have.

6 Q. Okay. When DIRECTV gives routes to an -- to a
7 contractor to be performed, those work orders have a
8 tech ID on them, correct?

9 A. Correct.

10 Q. Okay. And does DIRECTV give any guidance to
11 the contractor about whether or not that work order
12 should stay with that installer?

13 A. No.

14 Q. Okay.

15 A. Bit of a long descriptor, but at the sake of
16 talking too much, I'll try to explain that.

17 Q. Never a problem in a deposition.

18 A. I'll put my foot over there, close, for
19 kicking.

20 But they tell us what their techs can do, what
21 their skill sets are, what their shifts are, and the
22 machine says therefore -- here's the customer demand;
23 therefore, here are the work orders. I think it's a
24 hundred percent surety that the -- the principal of
25 that -- of AIS would take that work, and shuffle it.

1 And I call it playing cards. Why? Technicians call in
2 sick, they no-show, trucks break down.

3 So once -- once they've told us how much work
4 they need and what type of work they need, the machine
5 shoots over the amount, the algorithm says you therefore
6 get 22 work orders today. It just happens to have a
7 tech ID number that the principal of the contractor said
8 could do that type of work.

9 Q. Okay. So the DIRECTV system assigns a tech ID
10 initially for a given work order?

11 A. Yes.

12 Q. Do you have any idea how -- to what degree AIS
13 modifies that assignment of technician?

14 A. I do not.

15 Q. Okay.

16 A. And it's not that I'm not the person most
17 knowledgeable. It's that I have no way of knowing.

18 Q. Okay. After a work order is completed, does
19 the work -- the technician who actually completes the
20 work order would check in. So DIRECTV could compare who
21 completed it versus who it was initially assigned to?

22 A. We absolutely could. We don't.

23 Q. Okay.

24 MR. LAKE: Can we go off the record for a few
25 minutes? I actually think we're pretty close to done

1 here.

2 MR. KELLY: Yeah.

3 MR. LAKE: But I just want to talk it over.

4 (Recess taken from 11:35 a.m. to 11:47 a.m.)

5 MR. LAKE: Actually, can we just go back on
6 the record. But at this time, Mr. Crawford, I don't
7 have any further questions for you today. You know,
8 subject to the reservation that we put on the record at
9 the beginning, we can conclude today's deposition.

10 THE DEPONENT: For the day?

11 MR. LAKE: For the day.

12 MR. KELLY: Cool. Same stip as yesterday?

13 MR. LAKE: Yes.

14 MR. KELLY: Madam Reporter, you have that?
15 Okay. All right. Thank you.

16 (The deposition concluded at 11:46 a.m.)

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1 I, STEVEN CRAWFORD, the witness in the above
2 deposition, do hereby certify that I have read the
3 foregoing transcript of my testimony and state under
4 oath that it, together with any attached Amendment to
5 deposition pages, constitutes my sworn testimony.

6 ____ I have made corrections to my deposition transcript

7 ____ I have NOT made any corrections to my deposition transcript.

8

9 EXECUTED on this ____ day of _____,

10 20____, at _____, _____.
11 (City) (State)

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STEVEN CRAWFORD

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1 STATE OF COLORADO)
2) ss.
3 COUNTY OF DENVER)

4 THIS IS TO CERTIFY that the deposition of
5 STEVEN CRAWFORD was taken before me, Carla D. Capritta,
6 Registered Professional Reporter and Notary Public
7 within and for the State of Colorado.

8 THAT SAID DEPONENT WAS, by me, previous to
9 examination, duly sworn to testify to the truth, the
10 whole truth, and nothing but the truth in said cause.

11 THAT THE TESTIMONY of said deponent was herein
12 set forth, and was thereafter reduced to typewritten
13 form; and that the foregoing constitutes a full, true,
14 and correct transcription.

15 I FURTHER CERTIFY that I am not related to or
16 otherwise associated with any of the parties to said
17 cause of action, and that I am not interested in the
18 result of the event thereof.

19 WITNESS MY HAND and official seal this
20 7th day of February, 2015.

21 My commission expires May 23, 2017.

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Carla D. Capritta, RPR

1 ERRATA SHEET FOR THE DEPOSITION OF STEVEN CRAWFORD
2 DATE TAKEN: JANUARY 23, 2015
3 PAGE LINE CORRECTION
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25 DEPONENT'S SIGNATURE _____ DATE _____